

0000

BOX:

504

FOLDER:

4590

DESCRIPTION:

Walsh, James J

DATE:

11/10/92



4590

Witnesses:

Off. Burke (6-100)

This case was
tried and the jury
found M. M. Acosta
guilty of the fact
and she admitted
intentional murder
recommends his discharge
upon his own recognizance

John J. [Signature]
Dec. 23, 1972

39

Counsel,

Filed day of *Nov* 189
Plends, *11*

THE PEOPLE

vs.

James J. Walsh

DE LANCEY NICOLL,

District Attorney.

Part 3, Sec 719
Tried and jury discharge
11 for acquittal

A TRUE BILL.

John E. Foreman
Part 3, Sec 6 Foreman
Part 3, Sec 6
def. discharged on trial
verdict before 22

mwe/gc
G. J. [Signature]

Grand Larceny, *1st*
(From the Person, *1st*
Degree, *1st*
[Sections 535, 536, Penal Code.]

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

James W. Folsom

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

I am acquainted with the defendant
I wish that the defendant
be considered as a first offender
recognizing a man who has heretofore
had an excellent
character - and I feel that
he has been punished sufficiently
thoroughly and his arrest and
confinement will be remembered
by him as long as he lives.

Edward M. Pollock

0011

Police Court

District

Affidavit—Larceny.

City and County of New York, ss:

Edward A. Pollack

of No. 27 Nassau Street, aged 45 years, occupation Store findings being duly sworn,

deposes and says, that on the 5 day of November 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

One gold watch with chain attached the whole being valued at One hundred dollars \$100 00/100

the property of

Deponent

and that this deponent was a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by James Walsh

for the reasons following to-wit: On the said date deponent received the said property from the precincts of the West which he then was and is informed by Officer John Berne that he Berne saw the defendant seated near deponent and when he Berne arrested the defendant he found in his possession the said watch and chain which property deponent has since seen and identified

Edward A. Pollack

Sworn to before me, this

day

of November 1892
M. J. Justice

CITY AND COUNTY }
OF NEW YORK, } ss.

aged years, occupation John J. Burke of No.

61st Precinct Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this day of 188

John J. Burke

Police Justice.

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James J. Walsh being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

James J. Walsh

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Boston Mass

Question. Where do you live, and how long have you resided there?

Answer.

333 West 25th St. N.Y.C.

Question. What is your business or profession?

Answer.

None

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty
James J. Walsh*

Taken before me this
day of *February* 188*9*
Wm. J. Kelly
Police Justice.

0014

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, _____ 189

John H. ... Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 189

Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order he to be discharged.

Dated, _____ 189

Police Justice.

Police Court---

1395
1894
District.

THE PEOPLE &c
ON THE COMPLAINT OF

James Walsh
127 Warren
James Walsh
Offense
James Walsh

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

2.....
3.....
4.....

Dated, *Nov 6* 1894

James Walsh Magistrate.

..... Officer.

..... Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ *10.00* to answer *W.D.*

C

9th person

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James J. Walsh

The Grand Jury of the City and County of New York, by this indictment, accuse

James J. Walsh
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *James J. Walsh*

late of the City of New York, in the County of New York aforesaid, on the *fifth*
day of *November* in the year of our Lord one thousand eight hundred and
ninety-*two*, in the *night* time of the said day, at the City and County aforesaid,
with force and arms,

*one watch of the value of
seventy dollars, and one chain
of the value of thirty
dollars*

of the goods, chattels and personal property of one *Edward A. Fallock*
on the person of the said *Edward A. Fallock*
then and there being found, from the person of the said *Edward A. Fallock*
then and there feloniously did steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

Al. Lawrence

0017

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

James J. Walsh
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *James J. Walsh*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

one watch of the value of seventy dollars and one chain of the value of thirty dollars

of the goods, chattels and personal property of one

Edward A. Pollock

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Edward A. Pollock

unlawfully and unjustly, did feloniously receive and have; the said

James J. Walsh
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

00 18

BOX:

504

FOLDER:

4590

DESCRIPTION:

Walsh, Patrick D

DATE:

11/28/92



4590

340

Witness:
Officer Maggitt
W. H. Kelly

Counsel,
Filed, *Ad. [Signature]*
day of 189,

Pleas, *Guilty*

THE PEOPLE

vs.

B

Gabriel W. Walsh

Transferred to the Court of Special Sessions for trial and final disposition

Part 2. N.Y. L.S. 1893

VIOLATION OF THE EXCISE LAW.
[Chap. 401, Laws of 1892, § 32].
Selling, etc., on Sunday.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John E. Sullivan

Foreman.

0020

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick W. Walsh

The Grand Jury of the City and County of New York, by this indictment, accuse

Patrick W. Walsh
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Patrick W. Walsh*

late of the City of New York, in the County of New York aforesaid, on the *16th* day of *October* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

Patrick W. Walsh
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Patrick W. Walsh*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0021

BOX:

504

FOLDER:

4590

DESCRIPTION:

Wane, Frederick

DATE:

11/25/92



4590

256

Witnesses:

Jpr Sullivan 30th

Counsel,

Filed, 25th day of Nov 1892

Pleads,

Not guilty

THE PEOPLE

vs.

B
Frederick Coane

VIOLATION OF THE EXCISE LAW.
[Chap. 401, Laws of 1892, § 33].
Selling, etc., on Sunday.

DE LANCEY NICOLL

Attorney at Law, District Attorney,
New York City

For: *Wm. H. H. H. H.*

A TRUE BILL.

John E. Fulton

Foreman.

0023

Court of General Sessions of the Peace

1987

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Frederick Wane

The Grand Jury of the City and County of New York, by this indictment, accuse

of the CRIME OF *Frederick Wane* SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Frederick Wane*

late of the City of New York, in the County of New York aforesaid, on the day of *September* ^{11th} ~~two~~ in the year of our Lord one thousand eight hundred and ninety-~~two~~, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to ~~one~~

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Frederick Wane*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0024

BOX:

504

FOLDER:

4590

DESCRIPTION:

Ward, Edward

DATE:

11/09/92



4590

23

Counsel,

Filed

Pleads,

L. M. [Signature]
189

Burglary in the Third Degree,
Section 498, 502, 528, 538, 540, 541.

THE PEOPLE

vs.

Edward Ward

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Foreman

Foreman.

[Signature]

Ed. R. [Signature]
189

Witnesses:

Henry Bley

Emma Brickell

Off. Meekam

Police Court - 3rd District.

City and County } ss.:
of New York, }

of No. 131 East 3rd Street, aged 55 years,
occupation Saloon Keeper being duly sworn

deposes and says, that the premises No. 131 East 3rd Street, 17th Ward
in the City and County aforesaid the said being a dwelling house, the
apartment on the second floor of
and which was occupied by deponent as a dwelling
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly removing an
iron bar affixed to a window leading
from the hallway to the bedroom

on the 31st day of October 1895 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A music box of the value of Thirty
two dollars

the property of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
Edward Ward (now here)

for the reasons following, to wit: that the doors and windows
leading to said apartment were
locked and fastened and said
property was therein and at about
the hour of three o'clock in the after-
noon deponent found said apartment
broken and entered and said property
stolen and carried away. Deponent is
informed by Emma Newkell now here

that on said day ^{in the afternoon} at about four o'clock or thereabouts the defendant brought a music box to her premises at 1591 First Avenue, which music box deponent has since seen and identified it as his property stolen as aforesaid.

Sworn to before me this 3rd November, 1897

Henry J. Key

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

I have admitted the above named to bail to answer by the undertaking hereto annexed.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.

Police Court, District

THE PEOPLE, etc., on the complaint of vs. 1 2 3 4

Date, 1889 Magistrate, Officer, Clerk, Witnesses, No. Street, No. Street, No. Street, \$ to answer General Sessions.

0028

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 23 years, occupation Secretary of No. 591. First Ave Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Henry Riley

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me this 3 day of Nov 1899 } Emma Hendrick

[Signature] Police Justice.

0029

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK { SS:

Edward Ward being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Edward Ward*

Question. How old are you?

Answer. *23 years.*

Question. Where were you born?

Answer. *New York*

Question. Where do you live and how long have you resided there?

Answer. *342 East 34th St.*

Question. What is your business or profession?

Answer. *Press finisher*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. *I am not guilty*
Edward Ward

Taken before me this
day of *May* 189*9*

Police Justice
[Signature]

0030

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Augustus

~~guilty thereof~~, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, 1892 1892 [Signature] Police Justice.

I have have admitted the above-named [Signature] to bail to answer by the undertaking hereto annexed.

Dated, 1892 1892 [Signature] Police Justice.

There being no sufficient cause to believe the within named [Signature] guilty of the offense within mentioned, I order he to be discharged.

Dated, 1892 1892 [Signature] Police Justice.

Detective Seryt
Mahoney -
Frank Edwards -

1393

Police Court, 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kelly
131 E 37th St
vs.
Edward Ward
Offense Drift

2
3
4

BAILED,
No. 1, by
Residence Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Dated, Nov 3 1892
Walter Magistrate.
Michael Meyer Officer.
Precinct 14
Witnesses Edward Luckell
No. 571 First av Street.
Cell Officer
No. Street.

No. Street.
\$ 2000 to answer GS
Bay 3rd
972

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Ward

The Grand Jury of the City and County of New York, by this indictment, accuse

Edward Ward

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows :

The said Edward Ward

late of the 17th Ward of the City of New York, in the County of New York aforesaid, on the
thirty first day of October in the year of our Lord one
thousand eight hundred and ninety-two, with force and arms, in the day-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Henry Bley

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit : with intent the goods, chattels and personal property of the said Henry
Bley in the said dwelling house then and there being, then and there
feloniously and burglariously to steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

Edward Ward

of the Crime of ~~Grand~~ LARCENY ~~in the second degree~~, committed as follows:

The said *Edward Ward*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *day* - time of said day, with force and arms,

one music-box of the value of thirty-two dollars

[Large handwritten flourish]

of the goods, chattels and personal property of one

Henry Bley

in the dwelling house of the said

Henry Bley

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
Edward Ward
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Edward Ward*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid,

*one music box of the value of
thirty-two dollars*

of the goods, chattels and personal property of

Henry Bley

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

Henry Bley

unlawfully and unjustly did feloniously receive and have; (the said

Edward Ward

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0035

BOX:

504

FOLDER:

4590

DESCRIPTION:

Way, Henry D

DATE:

11/16/92



4590

Witnesses:

Peter Stein

According to the defendant's story he was approached by a stranger who asked him how long he had been in the country & he replied ten years which was the truth. The stranger said he had been here long enough to write here, come over & register defendant without any intention did so, supposing he wanted to do so as he came to this country before he was eighteen years of age.

Defendant did not intend to commit any offense. He is a steady working, industrious man and has an excellent family reputation. He is the sole support of a wife and two children for whom he has always provided.

The defendant is anxious that no further proceedings should be taken. Officer Adams who arrested him, tells me he at one time rendered valuable aid to the police in the conviction of a man. The defendant has always been a law-abiding citizen since he came to this country. He has never been in any trouble since he came to this country.

17/92
J. Adams
J. Adams

10/1/92

Counsel,

Filed

Pleas,

day of

16/1/92

1888

THE PEOPLE

vs.

P

Henry D. Way

FALSE REGISTRATION.
(Section 41a, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Farrell

Foreman.

16/1/92

Dickinson

Manly

0037

City and County of New York, ss.:

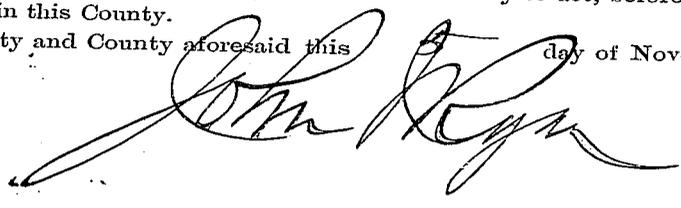
IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in the County of New York:

Information upon oath having been this day laid before me that heretofore, to wit: on the 11 day of October in the year of our Lord ~~one thousand eight hundred and eighty six~~ 1892, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, one Henry D. Way at the City and County aforesaid, did personally appear before the Inspectors of Election of the 25 Election District of the 15 Assembly District of the said City and County, at a meeting of the said Inspectors of Election, then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and did then and there, at the said general registration of voters, feloniously register in the said Election District, without having a lawful right to register therein;

You are therefore commanded forthwith to arrest the above-named Henry D. Way and bring him before me at the 2 District Police Court, in this City, or, in case of my absence or inability to act, before the nearest or most accessible Magistrate in this County.

Dated at the City and County aforesaid this _____ day of November, 1892



Police Justice.

0038

Henry J. Way
340. W. 36th St.
ground floor

City and County of New York, ss. :

Police Court, 2 District.

Peter Sternheim
of 515 8th Avenue Street, aged 23 years, being duly
sworn, deposes and says, that on the 11 day of October 1892
at the City of New York, in the County of New York, the same being a day duly
appointed by law as a day for the general registration of the qualified voters of said
city and county, Henry D. Way did
personally appear before the Inspectors of Election of the 25
Election District of the 15 Assembly District of the said City
and County, at a meeting of the said Inspectors of Election then being held for the
purpose of the general registration of the qualified voters of the said city and county,
resident in the said Election District, at the duly designated polling place of the said
Election District, and did then and there, at the said general registration of voters,
feloniously register in the said Election District, not having a lawful right to register
therein.

Wherefore deponent prays that the said Henry D. Way
may be apprehended and dealt with according to law.

Peter Sternheim

Sworn to before me, this 5
day of Nov 1892

[Signature]
Police Justice.

0040

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry D Way being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Henry D Way*

Question. How old are you?

Answer. *30 years.*

Question. Where were you born?

Answer. *England*

Question. Where do you live, and how long have you resided there?

Answer. *340 W. 36th St. 15 or 16 months.*

Question. What is your business or profession?

Answer. *Driver*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I came to this country before I was of age and I thought I had a right to register*

Henry D Way

Taken before me this

day of

James J. [Signature]
188

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Five* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *Nov 8* 189*2* *J. M. Ryan* Police Justice.

I have admitted the above-named..... to bail to answer by the undertaking hereto annexed.

Dated,.....189..... Police Justice.

There being no sufficient cause to believe the within named..... guilty of the offense within mentioned, I order h to be discharged.

Dated,.....189..... Police Justice.

0042

101 B.O.

1414

Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Peter Sternbaum
575 1st Ave
Henry D. Way

Offense: *Falsely
Registration*

2
3
4

Dated, Oct 11 189

Ryan Magistrate.
Adam Officer.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 500 to answer

500 E. Macg-20m

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry D. Way

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *Henry D. Way*

of a FELONY, committed as follows:

Heretofore, to wit: on the *seventh* day of October, in the year of our Lord one thousand eight hundred and ninety-~~two~~, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, the said *Henry D. Way*, late of the City and County aforesaid, at the City and County aforesaid, did personally appear before the Inspectors of Election of the *25th* Election District of the *15th* Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held at the duly designated polling place of the said Election District, for the purpose of the general registration of the male residents of the said Election District who would be at the election next following the said day of registration (to wit: on the *eight* day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in the said month of November, and being the day duly appointed by law for the holding of a general election throughout the said State and in the City and County aforesaid), entitled to vote therein, and did then and there, at the said general registration of voters, feloniously cause his name to be placed upon the list and register of voters of and in the said Election District, then being made by the said Inspectors of Election for the said election, he the said *Henry D. Way* then and there well knowing that he would not be a qualified voter in the said Election District at the said election in this, to wit: that the said *Henry D. Way* was not then *a citizen of the United States and of said State, and* nor would he on the said day of election have been, an inhabitant of the said State one year next preceding such election, and the last four months a resident of the said County of New York, and for the last thirty days a resident of the said Election District, as he the said *Henry D. Way*, then and there well knew; against the form of the statute in such case made and provided, and against the peace and dignity of the said People.

DE LANCEY NICOLL,

District Attorney.

0044

BOX:

504

FOLDER:

4590

DESCRIPTION:

Weinman, Isaac

DATE:

11/17/92



4590

Witnesses:

Hatter Hubel

Clark P. Williams

Counsel,

Filed,

day of

189

Pleds,

THE PEOPLE

vs.

B

Isaac Weinman

[Section 528, and 532, Penal Code.]

DEFT LARSEN,

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Pullen

Foreman.

Dec 7/97

Hands Guilty

sworn on oath in court

0046

Sec. 192.

H

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before *Charles Nelde* a Police Justice of the City of New York, charging *Isaac Weisman* Defendant with the offence of *Larceny*

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, *Isaac Weisman* Defendant of No. *1673*
Augusta Avenue Street; by occupation an *Agent*
and *Julius Levine* of No. *73 East 9th*
Street, by occupation a *Treasurer* Surety, hereby jointly and severally undertake that the above named *Isaac Weisman* Defendant shall personally appear before the said Justice, at the *4* District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of *Three* Hundred Dollars.

Taken and acknowledged before me, this

day of *October*

18 *94*

Isaac Weisman
Julius Levine

Chas. Nelde

POLICE JUSTICE.

0047

CITY AND COUNTY OF NEW YORK, ss.

Sworn to before me this 18th day of July 1891
Justice

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Six Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and lot of land

situate at No 43 East 72nd Street
of the value of Twenty Five Thousand
Dollars four and clear

Julius Levin

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the day of 18

Justice.

0048

CITY AND COUNTY }
OF NEW YORK, } ss.

1872

Clark P. Williams

aged *39* years, occupation *Superintendent* of No.

2 West 14th Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Hattie Hubbard*

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this *22^d*
day of *October* 189*2*

Clark P. Williams

Charles N. Lainton
Police Justice.

0049

Police Court 4th District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Harry Hubbell

of No. 206 West 83rd Street, aged 28 years,
occupation housewife being duly sworn,
deposes and says, that on the third day of October 1892 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

gold and lawful money of the United States of
America consisting of silver coins and bills of silver
denominations and in value in all of one dollar

the property of the deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by Isaac Wienerman (now here)

And deponent further says that the facts upon which this
affidavit is based are as follows: That deponent holds three
certain policies of insurance issued by the Metropolitan Life
Insurance Company upon which there is payable each
month a premium to said Insurance Company. That upon
the said third day of October 1892 the said Isaac Wienerman
came to deponent's said residence and there and there stated and
represented
"to deponent that he the said Wienerman was the agent of the
said Metropolitan Life Insurance Company for the collection
of the premiums there and there due and to become due
upon the policies issued by the said Metropolitan Life Insurance
Company. That thereupon believing and relying upon the
truth of the representations of said Wienerman as aforesaid
deponent was then and there induced to and did give to

Sworn to before me, this

day

189

Police Justice.

said Wineman the said sum of one dollar
in payment of such said premium then due and
standing to be paid to the said Northwold Life Insurance
Company, which said sum of money the said Wineman then
and there received as the agent of the said Company and gave
to defendant a receipt therefor in the premium receipt book
issued to defendant by the said Company.

And defendant further says that she is informed by Clark P.
Williams the Superior ^{of said Company} Court, that on the said third day of
October A.D. 1892 said Wineman was not an agent of said
Company as in the employ of said Company in any capacity
and that he was not authorized to represent, collect or receive
money for or on account of said Company and that the said
Wineman has not accounted for or paid said sum of one
dollar as received by him as aforesaid to said Company
but on the contrary the defendant swears that the said Wineman
has appropriated the same to his own use with intent to
defraud this defendant the true cause thereof
to be before this Court on the } Mrs. Hattie Hubbell
day of October A.D. 1892

Charles A. Linton
T. L. Linton

0051

1902

POLICE COURT 4 DISTRICT.

City and County of New York, ss.

THE PEOPLE
vs.

On Complaint of Mattie Cusbell
For Larceny

Isaac Memmen

After being informed of my rights under the law, I hereby ~~waive~~ ^{demand} a trial by Jury on this complaint, and demand a trial at the COURT OF ~~SPECIAL~~ ^{Special} SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated Oct 27 1892
November 2

Isaac Memmen

M. P. Pude Police Justice.

J. H. Kullback

0052

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Isaac Weisman

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. Isaac Weisman

Question. How old are you?

Answer. 47 years

Question. Where were you born?

Answer. Germany

Question. Where do you live and how long have you resided there?

Answer. 1016 73 Lexington Avenue

Question. What is your business or profession?

Answer. Agent

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty

Isaac Weisman

Taken before me this

day of

25
1899
M. J. [Signature]

Police Justice.

0053

Sec. 151.

Police Court 4th District.

CITY AND COUNTY }
OF NEW YORK. } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Reathu Pembell of No. 206 West 83 Street, that on the 3 day of October 1892 in the City of New York, in the County of New York, the following article to wit:

Five hundred lawful money of the United States of the value of one Dollars, the property of complainant was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Isaac Brannen

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring me before me, at the 4 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 22 day of October 1892
Charles K. Faint POLICE JUSTICE.

0054

Isaac Weisman
1675 5th Ave
about 5:30
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Spratt Officer.

The Defendant *Isaac Weisman*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated *October 25* 1892

This Warrant may be executed on Sunday or at
night.

Wm. Powell
Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice

The within named

apc 442 Weisman No 1673- 5th Ave

0055

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Nov 3 1887 W. J. Hill Police Justice.

I have admitted the above-named Defendant to bail to answer by the undertaking hereto annexed.

Dated Nov 4 1887 Charles N. Lantieri Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.

Dated 188 Police Justice.

The Justice presiding in my absence will please hear and determine the within case.
W. H. Hilde
Police Justice

N 87 B.O. 1387
Police Court - 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Beatrice Hubbard
206 West 83
Isaac Mienumans
2
3
4
Offence

BAILED.

No. 1, by Julius Levine
Residence 23 East 7th Street.
No. 2, by
Residence ? Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Oct 25 1892
W. H. Hilde
Magistrate.

Armstrong
Court Precinct.
Witnesses Clark P. Williams
No. 2 West 14th Street.
No. Street.
No. Street.

\$ 200 to answer G.S.
300 Fair Building
Apr 9, 1892 - 26th
Apr 2 at 2 PM

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Isaac Wienman

The Grand Jury of the City and County of New York, by this indictment, accuse

Isaac Wienman

of the CRIME OF *Petit* LARCENY,
committed as follows:

The said *Isaac Wienman*,

late of the City of New York, in the County of New York aforesaid, on the *Tenth* day of *October*, in the year of our Lord one thousand eight hundred and ninety *Two*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one Mattie Muddell who then held three certain policies of life insurance thereupon duly issued by a corporation called the Metropolitan Life Insurance Company, and then in full force and effect, upon which there was then and there payable to the said corporation, several sums of money as premiums of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to the said Mattie Muddell,*

That *he the said Isaac Wienman was then and there the duly authorized agent and collector of the said corporation, for the collection of the premiums then due and to become due to the said corporation, upon the said policies so issued by it.*

By color and by aid of which said false and fraudulent pretenses and representations, the said

Isaac Weisman
did then and there ^{intentionally} feloniously and fraudulently obtain from the possession of the said Hattie

Muller, the sum of one dollar in money, lawful money of the United States of America, and of the value of one dollar,

of the proper moneys, goods, chattels and personal property of the said Hattie Muller,

with intent to deprive and defraud the said Hattie Muller,

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Isaac Weisman was not then and there the duly authorized agent and collector of the said corporation for the collection of the premiums then due or to become due to the said corporation upon the said policies as insured by it.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Grace Weinman to the said Mattie Mubbell was and were then and there in all respects utterly false and untrue, as ~~she~~ the said Grace Weinman at the time of making the same then and there well knew:

And so the Grand Jury Aforesaid, do say that the said Grace Weinman, in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Mattie Mubbell, then and there ~~feloniously~~ ^{feloniously} did STEAL, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0060

BOX:

504

FOLDER:

4590

DESCRIPTION:

Weise, Philip

DATE:

11/28/92



4590

Witnesses:

Officer Morris
223rd Prec

219

Counsel,

Filed, *28* day of *Nov* 188*7*

Pleads, *Guilty* Deft

THE PEOPLE

vs.

B
Philip Weiss

VIOLATION OF THE EXCISE LAW.
[Chap. 401, Laws of 1892, § 83].
Selling, etc., on Sunday.

DE LANCEY NICOLL

*of and read to the Court of Sessions
District Attorney*

Part 2... Mich. 20... 1887

A TRUE BILL.

John E. Fulton

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Philip Weise

The Grand Jury of the City and County of New York, by this indictment, accuse

Philip Weise of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Philip Weise

late of the City of New York, in the County of New York aforesaid, on the 30th day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

Philip Weise

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Philip Weise

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one Frank J. Morris

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0063

BOX:

504

FOLDER:

4590

DESCRIPTION:

Weiss, Morris

DATE:

11/18/92



4590

Witnesses:

John Anderson

In this case the facts appear to be that deft & compl. became involved in a quarrel and then made charges each against the other, resulting in the indictment of both. They are now reconciled and I am satisfied that justice will be best served by the dismissal of both indictments and I so recommend.

Oct 30. 93

John E. Poillon
ada

Counsel,

Filed

day of

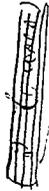
189

Pleads

THE PEOPLE

vs.

B. Morris Casca



Assault in the Second Degree. (Section 218, Penal Code.)

In case of John Anderson

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Poillon

Foreman.

An accompt. Atty.
indict. des. P.B.M.
Oct 30/93

Police Court— 5 District.

City and County }
of New York, } ss.:

of No. 221 E. 127th Street, aged 34 years,
occupation Painter being duly sworn
deposes and says, that on the 13 day of November 1889 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Morris
Weiss (now here) who struck
deponent several violent blows
in the head face and body
with a bottle he then and there
held in his hand.
Deponent further says that such
assault was committed

with the felonious intent to ~~take the life of deponent, or to~~ do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 14 day }
of Nov 1889 } Johan Anderson

J. M. ... Police Justice.

Sec. 198-200.

5

CITY AND COUNTY } ss:
OF NEW YORK,

District Police Court.

Morris Weis

signed according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Morris Weis

Question. How old are you?

Answer.

24 years old

Question. Where were you born?

Answer

Austria

Question. Where do you live and how long have you resided there?

Answer.

2455 Second Ave one year

Question. What is your business or profession?

Answer.

Liquor dealer

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*I Am Not Guilty -
Morris Weis*

Taken before me this

day of *November* 189*9*

John W. ...

Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *One* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *Nov 14* 189*4* *John McLaughlin* Police Justice.

I have admitted the above-named *Defendant* to bail to answer by the undertaking hereto annexed.

Dated, *Nov 14* 189*4* *John McLaughlin* Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order h to be discharged.

Dated, _____ 189 _____ Police Justice.

0058

1424
1894

Police Court--- 5 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Anderson
221 E. 137
Morris Weiss

Charles J. Gelman
Officer

2
3
4
Dated, *November 14* 189
Morris Magistrate.
Colligan Officer.
29 Precinct.

BAILED,
No. 1, by *Conrad Webber*
Residence *2452 7th* Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Witnesses
No. Street.

No. Street.

No. Street.
\$ *1.000* to answer *G.S.*

Bailed

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Morris Lewis

The Grand Jury of the City and County of New York, by this indictment, accuse

Morris Lewis

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Morris Lewis

late of the City and County of New York, on the ... day of ... in the year of our Lord one thousand eight hundred and ninety- ... at the City and County aforesaid, in and upon one

in the peace of the said People then and there (being, feloniously did wilfully and wrongfully did make an assault; and the said ...

with a certain ... which ... the said

in ... right hand ... then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, ... the said ... then and there feloniously did wilfully and wrongfully strike, beat, ... bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Norris Lucas

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Norris Lucas

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said

John Anderson

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *Norris Lucas* the said *John Anderson* with a certain *rod*

which *he* the said *Norris Lucas*

in *his* right hand then and there had and held, in and upon the *face and body* of *him* the said *John Anderson* then and there feloniously did wilfully and wrongfully strike, beat, *and* bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *John Anderson* to the great damage of the said *John Anderson* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0071

BOX:

504

FOLDER:

4590

DESCRIPTION:

Weisstaner, John

DATE:

11/17/92



4590

Court of
General Sessions

The People
vs
John Weinstammer

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23D STREET,

New York, Nov. 14th 1892

CASE NO. 68853
DATE OF ARREST
CHARGE

OFFICER
November 12/92
Felony Assault

AGE OF CHILD
RELIGION
FATHER

Thirteen years
Protestant
John (dead)

MOTHER

Judith

RESIDENCE

386 E 83rd Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

July 16/91 Boy was arrested for
stealing pigeons. Discharged by
Justice Voorhis with a reprimand.

Boy does not work
or attend school. He lives with widowed
mother who is janitress of above
house. Has a comfortable home, and
mother is well spoken of. Boy is
known as a "terror" in the neighbor-
hood.

All which is respectfully submitted,

Heleno Leuking
Supt

To Dist. Atty.

*County of
New York*

John C. [unclear]

John [unclear]

Folkstone [unclear]

FENAL CODE, 26

**Report of the New York Society
for the Prevention of Cruelty
to Children.**

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

0075

Police Court 5 District,

City and County } ss.:
of New York, }

Louis Rutzen
of No. 32 Norfolk Street, aged 19 years,
occupation Painter being duly sworn

deposes and says, that on the 10th day of November 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Weisstanner (now here) who wilfully and maliciously pointed, and aimed a pistol loaded with powder and ball which he held in his hand at deponent, and discharged said pistol at deponent striking deponent in the face. Deponent further says that such assault was committed

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 13 day } Louis Rutzen
of N.Y. 1892 } mark

John B. ... Police Justice.

0076

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Weisstanner being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *John Weisstanner*

Question. How old are you?

Answer. *13 years old*

Question. Where were you born?

Answer. *New Jersey*

Question. Where do you live and how long have you resided there?

Answer. *336 E 83rd St. 1 year*

Question. What is your business or profession?

Answer. *work in a Photographs gallery*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

I am not guilty

John Weisstanner

Taken before me this

13

day of

Nov

189*8*

John W. ...

Police Justice.

0077

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *November 13* 189*7* *John R. ...* Police Justice.

I have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named guilty of the offense within mentioned, I order h to be discharged.

Dated, 189 Police Justice.

0078

P 180

5

1409

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Outzen
John H. Eisenmeyer

Offense
F. Elmeris-
Assault

2
3
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, November 13 189 2

Verbis Magistrate.

Hamilton Officer.

27- Precinct.

Witnesses Thomas F. Moore

No. 108 E. 23rd Street.

No. Street.

No. 1000 G.S. Street.

\$ to answer

(Comm

Handwritten notes and signatures

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Weisssteiner

The Grand Jury of the City and County of New York, by this indictment accuse

John Weisssteiner
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said John Weisssteiner

late of the City of New York, in the County of New York aforesaid, on the fourth
day of November in the year of our Lord one thousand eight hundred and
ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of
one Louis Ruben in the peace of the said
People then and there being, feloniously did make an assault and to, at and against him
the said Louis Ruben a certain pistol then and there
loaded and charged with gunpowder and one leaden bullet, which the said John Weisssteiner
John Weisssteiner in his right hand then and there had and
held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there
shoot off and discharge with intent kill the said Louis Ruben
thereby then and there feloniously and wilfully to kill, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said

John Weisssteiner
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said John Weisssteiner

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at
the City and County aforesaid, with force and arms, in and upon the body of the said Louis Ruben
Louis Ruben in the peace of the said People then and there being,
feloniously did wilfully and wrongfully make another assault, and to, at and against him
the said

Louis Ruben
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the
said

John Weisssteiner
in his right hand then and there had and held, the same being a weapon and an instrument
likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot
off and discharge, against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0080

BOX:

504

FOLDER:

4590

DESCRIPTION:

Weitzel, Ernst

DATE:

11/14/92



4590

Witnesses:

Chas E. Thomas

Counsel,

Filed

189

Plends,

THE PEOPLE

vs.

And Westgal

Grand Larceny, Degree.
[Sections 838, 837, Penn. Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Tolson
Toreman.

[Signature]

[Signature]
[Signature]

[Large handwritten X]
[Signature]
Day of

Police Court- 3 District.

Affidavit-Larceny.

City and County }
of New York, } ss.

of No. 502 East 11th Street, aged 42 years,
occupation Scouring and dyeing being duly sworn,

deposes and says, that on the 18th day of October 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Four pairs pantaloons of the value of about Forty dollars

the property of his care and charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Ernst Weitzel (now here)

for the reasons that the defendant was in deponent's employ and property was in deponent's charge to perform labor thereon and deponent said property and suspected the defendant did he acknowledged to deponent that he took, stole and carried away said property

Chas. A. Klemens

Sworn to before me, this 18th day of November 1893

Police Justice

[Handwritten signature]

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Ernest Weitzel being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Ernest Weitzel

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

Germany, Austria

Question. Where do you live and how long have you resided there?

Answer.

512 East 16 St, 5 Mos

Question. What is your business or profession?

Answer.

Clerk

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

I am guilty

Ernest Weitzel

Taken before me this day of *May* 189*2*

Police Justice

[Signature]

It appearing to me by the within depositions and statements that the crime/therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 100 Hundred Dollars, ~~and be committed to the~~ Warden and Keeper of the City Prison of the City of New York, until he give such bail

Dated, Nov 2 1892 [Signature] Police Justice.

I have have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated,.....189.....Police Justice.

There being no sufficient cause to believe the within named.....
guilty of the offense within mentioned, I order he to be discharged.

Dated,.....189.....Police Justice.

0085

Police Court, 3 District, 1376

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Chas E Kessner
502 E 11th
Ernest Weitzel

Offense _____

2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, Nov 2 1892

E Hogan Magistrate.

Meyer Meehan Officer.

14 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000. to answer G B

Committed

0086

District Attorney's Office,
CITY AND COUNTY OF NEW YORK.

14

March 1893

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Meyer or
McCann attached to your command in
Brooklyn in relation to the case of
Ernest Weitzel
sentenced two to one
years and months imprisonment by
Judge Fitzgerald

Please ask the officer to bring such inform-
ation in relation to the case, and as to the
previous record of the prisoner, as he may be
enabled to obtain.

Yours truly,

HENRY W. UNGER,
Deputy Assistant and Secretary to the District Attorney.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ernst Weitzel

The Grand Jury of the City and County of New York, by this indictment, accuse

Ernst Weitzel

of the CRIME OF GRAND LARCENY IN THE SECOND DEGREE, committed as follows:

The said Ernst Weitzel

late of the City of New York, in the County of New York aforesaid, on the 18th day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

four pairs of trousers of the value of ten dollars each pair

of the goods, chattels and personal property of one

Charles A. Klemens

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Ricoll, District Attorney

0088

BOX:

504

FOLDER:

4590

DESCRIPTION:

Welsh, Bernard T

DATE:

11/29/92



4590

307. *L. J. Mont*
Counsel,
Filed *L. J. Mont* day of *Nov* 1892
Pleads, *W. H. Mundy Co*

Forgery in the Second Degree,
[Sections 511 and 521, Penal Code,
and Grand Jurors, Second Degree,
[Section 528 and 531]

THE PEOPLE
vs.
32
39 *W. H. Mundy Co*

Bernard J. Welsh

DE LANCEY NICOLI,
District Attorney.

A TRUE BILL.

John E. Foreman

Sept 2 - Dec 5, 1892 Foreman.
Henry G. S. S. S. S.

Jan 6 1892
Dec. 2/92

Witnesses:
Wm. H. Mundy

Sub for a-off. 1892
court for 20th day

Gen. S. S. S.
Rem. S. S. S.

141 Mundy

James M. Kern
1329. 3rd Ave

0090

Police Court— District.

1812

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 311 West 20th Street, aged 23 years.

occupation Handy man being duly sworn,

deposes and says, that on the 13th day of October 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in day time, the following property, viz:

Goods of the value of Twenty seven dollars

the property of A O'Neil & Co but in deponent's charge

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Bernard J. Walsh who

from the fact that deponent was instructed by his firm to deliver said property to said Walsh at 50 West 19th and upon the delivery of said goods received a check purporting to be drawn upon the Bank of the Metropolis by Chas O'Connell dated October 13th 1892. Deponent now says that he is now informant William J. Thomas, Manager for A O'Neil & Co that he visited said Bank and learned that no such person as Chas O'Connell had an account in said Bank Cummins Greenlaw

Sworn to before me, this
of October 13th 1892
Police Justice.

0091

1877

CITY AND COUNTY }
OF NEW YORK, } ss.

William G. Thomas

aged *40* years, occupation *Manager* of No.

321 to 339 *W* *4th* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Cummins Gene Paul*

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this *18* day of *November* 189*2* } *William G. Thomas*

A. J. [Signature]
Police Justice.

0092

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Bernard E. Welsh being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to a charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Bernard E. Welsh

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

US

Question. Where do you live, and how long have you resided there?

Answer.

319 West 32nd St

Question. What is your business or profession?

Answer.

Bar tender

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

I am not guilty
Bernard E. Welsh

Taken before me this

day of

18
March
1904

Police Justice.

0093

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Alfredant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, November 7 1897 [Signature] Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order h to be discharged.

Dated, _____ 189 _____ Police Justice.

0094

Geo. J.

307 B.O. (167) 1456
Police Court--- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Cumingham Greenleaf
Bernard C. Melst

Grand Juror

2
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4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *Amesbury 1st* 189
White Magistrate.
Maguire Officer.
16 Precinct.

Witnesses *Chas. O. Donnell*
No. *141 West* Street.
Cashier
Bank of the Metropolis
No. *29 Union Square* Street.

No. *500* Street.
\$ *500* to answer.
at New 10/9 2 430
" " 27/11 am

0095

29 UNION SQUARE.

No. 1474 - New York, Oct 13th 1892

Bank of the Metropolis

Pay to H. C. Neill & Co. or order

Twenty nine $\frac{33}{100}$ Dollars

\$ 29 $\frac{33}{100}$

Chas. C. Donnell

Stewart-Warren & Co. Litho 29 Howard St. N.Y.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Bernard T. Walsh

The Grand Jury of the City and County of New York, by this indictment, accuse

Bernard T. Walsh

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Bernard T. Walsh*,

late of the City of New York, in the County of New York aforesaid, on the *fifteenth* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with intent to defraud, feloniously did forge a certain instrument and writing, which said forged instrument and writing is as follows, that is to say:

No. 112 New York, Oct 13th 1892
Order of the Metropolitan
Car to Dr. O'Neill & Co in order
Twenty nine ³³/₁₀₀ Dollars
\$29 ³³/₁₀₀ Charles O. Donnell

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~Court of General Sessions of the Peace~~

~~of the City and County of New York.~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

~~AGAINST~~

~~Grand Jury~~

And ~~The Grand Jury~~ ^{of the City and County of New York}, by this indictment, accuse

Further accuse the said ~~Dem and T. Walsh~~

of the CRIME OF ~~Grand~~ LARCENY in the second degree, committed as follows:

The said ~~Dem and T. Walsh~~,

late of the City of New York, in the County of New York aforesaid, on the ~~fourteenth~~ day of ~~October~~, in the year of our Lord one thousand eight hundred and ninety-~~two~~, at the City and County aforesaid, with force and arms, with intent to deprive and defraud ~~John O'Neill~~

of the ~~proper moneys~~, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to ~~his~~ own use, did then and there feloniously, fraudulently and falsely pretend and represent to ~~the said~~

~~John O'Neill,~~

That a certain paper writing in the words and figures following, to wit:

no. 142 New York, Oct 13th 1892

Bank of the Metropolis

Pay to M. O'Neill & Co or order
Twenty nine ³³/₁₀₀ Dollars
\$29 ³³/₁₀₀ Charles O. Donnell

which the said ~~Bernard T. Walsh~~

them and there produced, and delivered
to the said Hugh O'Neill, nor then
and there a good and valid order
for the payment of money out of
the value of twenty nine dollars and
thirty-three cents.

By color and by aid of which said false and fraudulent pretenses and representations, the said

Bernard T. Welch —

did then and there feloniously and fraudulently obtain from the possession of the said

O'Neill, one watch of the value of eight
dollars and ninety cents, one pair
of trousers of the value of one dollar
and sixty cents, one leather bag
of the value of fifteen dollars and
eighty cents, one pair of gloves of the
value of one dollar and seventy five
cents, and one other pair of gloves of the
value of one dollar and forty five cents,
of the proper moneys, goods, chattels and personal property of the said

with intent to deprive and defraud the said Hugh O'Neill,

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said
the the said Bernard T. Welch so as
aforesaid them and there produced and
delivered to the said Hugh O'Neill
was not then and there a good and

valid order for the payment of money
and was not of the value of ten dollars
nine dollars and thirty three cents,
or of any value, but was then and
there wholly worthless,

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said Bernard J. Wolah
to the said Joseph O'Neill was and were
then and there in all respects utterly false and untrue, as he the said
Bernard J. Wolah
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
Bernard J. Wolah
in the manner and form aforesaid and by the means aforesaid, the said ~~proper moneys~~ goods,
chattels and personal property of the said Joseph O'Neill;
then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

~~DE LANCEY NICOLE,~~
District Attorney.

Franklin COUNTY:—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Bernard S. Walsh —

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Bernard S. Walsh, late of the City of New York, in the County of New York aforesaid, on the thirteenth day of October, in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

one pair of the value of eight dollars and ninety cents, one pair of trousers of the value of one dollar and sixty five cents, one leather bag of the value of fifteen dollars and fifty cents, one pair of gloves of the value of one dollar and seventy five cents, and one other pair of gloves of the value of one dollar and forty five cents, —

of the goods, chattels and personal property of one John O'Neill,

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

De Jancey Nicoll,
District Attorney

0102

BOX:

504

FOLDER:

4590

DESCRIPTION:

Whalen, James

DATE:

11/22/92



4590

Witnesses:

Martin Sappin
Jr. Kitch 7th

226
Counsel, *John E. Fallon*
Filed, *227* day of *Mar* 189 *27*
Pleads, *Myself*

THE PEOPLE

25 Madison vs.
350 *Garick driver*

James Whalen

INJURY TO PROPERTY.

[Section 654, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John E. Fallon
Perk 3. Dec 7/92 Foreman,
Pleads guilty as a *Misd*
Proprietor - Property of value
Perk 3. Dec 7/92
J. J. J.

Pen 6 months

CITY AND COUNTY }
OF NEW YORK. } ss.

POLICE COURT, 3rd DISTRICT.

of No. 208 Madison Street, aged 25 years,
occupation Bartender being duly sworn, deposes and says
that on the 16 day of November 1892
at the City of New York, in the County of New York he caused the

arrest of James Whalen for the
reasons following. Defendant is a bartender
at the liquor saloon 33 Rutgers Street
Defendant came to said place on
said date and he did maliciously
throw a stone at the plate glass window
of said premises breaking said window
causing damage to the amount of
eight dollars

Martin Longhlin

Sworn to before me, this

of *M. M. M. M.* 1892

day

J. J. J. J.
Police Justice

Sec. 198-200.

3
District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

James J. Thaler being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *James J. Thaler*

Question. How old are you?

Answer. *35 years.*

Question. Where were you born?

Answer. *New York*

Question. Where do you live and how long have you resided there?

Answer. *350 Madison St., 2 mo.*

Question. What is your business or profession?

Answer. *Truck driver*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. *I am not guilty*

James J. Thaler

Taken before me this 11th day of *April* 1917
[Signature]
Police Justice

District Attorneys Office
City & County of
New York

Part 3.

James Whelan

Dec 7th

All served et off

Dec 1/92 Jm

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Nov 17 1892 [Signature] Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated _____ 18 _____ Police Justice.

~~There being~~ no sufficient cause to believe the within named _____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

Police Court

1444
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin Loughlin
108 Madison
James Thaler

Offence
And Wesley

2
3
4

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated Nov 17 1899

Magistrate.

August E. Herrick

Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ 1000 to answer

Clus
2nd

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

James Whalen

The Grand Jury of the City and County of New York, by this indictment accuse

James Whalen

of the CRIME OF UNLAWFULLY AND WILFULLY destroying PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said

James Whalen

late of the City of New York, in the County of New York aforesaid, on the 16th day of November in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

one pane of plate glass

of the value of

eighty dollars,

of the goods, chattels and personal property of one then and there being, then and there feloniously did unlawfully and wilfully

Thomas D. Bryan break

and destroy:

}

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said
James Whalen
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER,
committed as follows :

The said *James Whalen*

late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the
City and County aforesaid, with force and arms,

one pane of plate glass

of the value of *eighty dollars*
in, and forming part and parcel of the realty of a certain building of one

Thomas J. Bryan there situate, of the real property of the said

Thomas J. Bryan
then and there feloniously did unlawfully and wilfully *break and*

destroy :

against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0111

BOX:

504

FOLDER:

4590

DESCRIPTION:

Whalen, William J

DATE:

11/03/92



4590

0112

Witnesses:

off down far

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

William J. Whalen

DE LANCEY NICOLL,

District Attorney.

FALSE REGISTRATION.
(Section 41a, Penal Code.)

A TRUE BILL.

Robert Edward

Foreman.

James J. Kelly

James J. Kelly

ff

6/11/92
W. J. Whalen
July 4

City and County of New York, ss. :

Police Court, 2 District.

James A. Dourigan
of 15th Precinct Police Street, aged _____ years, being duly
sworn, deposes and says, that on the 19 day of October 1892
at the City of New York, in the County of New York, the same being a day duly
appointed by law as a day for the general registration of the qualified voters of said
city and county, William J. Malen did
personally appear before the Inspectors of Election of the 54
Election District of the Eight Assembly District of the said City
and County, at a meeting of the said Inspectors of Election then being held for the
purpose of the general registration of the qualified voters of the said city and county,
resident in the said Election District, at the duly designated polling place of the said
Election District, and did then and there, at the said general registration of voters,
feloniously register in the said Election District, not having a lawful right to register
therein.

Therefore deponent prays that the said William J. Malen
Malen may be apprehended and dealt with according to law.

James A. Dourigan

Sworn to before me, this 24
day of October 1892

John Ryan
Police Justice.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

William J. Whalen being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *William J. Whalen*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *New York City*

Question. Where do you live, and how long have you resided there?

Answer. *52 Clarkson St one year*

Question. What is your business or profession?

Answer. *Longshoreman*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I have nothing to say*

William J. Whalen

Taken before me this
day of *June* 188*7*
[Signature]
Police Justice.

City and County of New York, ss.:

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in the County of New York:

Information upon oath having been this day laid before me that heretofore, to wit: on the ^{ninth} ~~eight~~ day of ~~October~~ ^{19th} in the year of our Lord one thousand ~~eight~~ ^{nine} hundred and eighty-six, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, one *William J. Malen* at the City and County aforesaid, did personally appear before the Inspectors of Election of the ~~374th~~ ^{574th} Election District of the ~~Eight~~ ^{Eight} Assembly District of the said City and County, at a meeting of the said Inspectors of Election, then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and did then and there, at the said general registration of voters, feloniously register in the said Election District, without having a lawful right to register therein;

J. Malen **You are therefore commanded** forthwith to arrest the above-named *William* and bring him before me at the ~~Second~~ ^{Second} District Police Court, in this City, or, in case of my absence or inability to act, before the nearest or most accessible Magistrate in this County.

Dated at the City and County aforesaid this ~~24~~ ²⁴ day of ~~November~~ ^{October} 1892, 1892.

John Ryan Police Justice.

0116

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Oliver Clark

Twenty guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, 10/12 189 John Hagan Police Justice.

I have have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order he to be discharged.

Dated, _____ 189 _____ Police Justice.

0117

Police Court,

1368 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James J. Danigan
vs.
William W. Gallagher
James J. Danigan
William W. Gallagher

2
3
4

Dated,

Nov 15 188

Magistrate.

James J. Danigan Officer.
William W. Gallagher Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ *2000* to answer

J. J. Danigan
W. W. Gallagher

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William J. Whalen

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *William J. Whalen*
of a FELONY, committed as follows:

Heretofore, to wit: on the *nineteenth* day of October, in the year
of our Lord one thousand eight hundred and ninety-~~two~~, the same being a day duly ap-
pointed by law as a day for the general registration of the qualified voters of the said City and
County, the said *William J. Whalen*, late of the City and County afore-
said, at the City and County aforesaid, did personally appear before the Inspectors of Elec-
tion of the *Eighty-fourth* Election District of the *Eight*
Assembly District of the said City and County, at a meeting of the said Inspectors of Election
then being duly held at the duly designated polling place of the said Election District, for the
purpose of the general registration of the male residents of the said Election District who would
be at the election next following the said day of registration (to wit: on the *nineteenth*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in the
said month of November, and being the day duly appointed by law for the holding of a general
election throughout the said State and in the City and County aforesaid), entitled to vote therein,
and did then and there, at the said general registration of voters, feloniously cause his name to
be placed upon the list and register of voters of and in the said Election District, then being
made by the said Inspectors of Election for the said election, he the said *William J. Whalen*
then and there well knowing that he would not be a qualified voter in the said Election District
at the said election in this, to wit: that the said *William J. Whalen* was not then
nor would he on the said day of election have been, an inhabitant of the said State one year
next preceding such election, and the last four months a resident of the said County of New
York, and for the last thirty days a resident of the said Election District, as he the said
William J. Whalen, then and there well knew; against the form of the statute in such
case made and provided, and against the peace and dignity of the said People.

DE LANCEY NICOLL,
District Attorney.

0119

BOX:

504

FOLDER:

4590

DESCRIPTION:

Wheeler, David

DATE:

11/17/92



4590

POOR QUALITY ORIGINAL

Witnesses:

*affr Hogan 20th
Eugene Boylan*

Please find...
[Faint handwritten notes]

13th County

Counsel,
Filed *17* day of *Nov* 189*2*
Pleads, *County (18) with*
County (18) with

THE PEOPLE
vs
David Wheeler
alias James D. Blanchard
alias Charles E. Norrell

Murder in the First Degree.
(Section 188, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

TRUE BILL
Dec. 27 1892
for trial in the County of...
for trial in the County of...

Part 2 - Oct. 14 1892
Jury and convicted of Mayland
in the County of...
20. 11. 5. 1. 11

0121

POOR QUALITY ORIGINAL

~~12th Party
Blak.~~ 229

Witnesses:

*Offr Hogan 20th
Eugene Boylan*

Counsel,

Filed *11th* day of *Nov* 189*2*

Pleas, *5th Municipality (18) with
10th Municipality with an. in by (21)*

THE PEOPLE

*2nd St. Hotel
Hos. Plumbe* vs.

*David Wheeler,
alias James D. Blanchard,
alias Charles E. Norrell*

Murder in the First Degree.
(Section 183, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL

John E. Poole

Foreman.

*Part 2 - Feb. 14, 1893.
Tried and convicted of manslaughter
in the third degree.*

*20. M. S. P. E.
Apr. 24/93.*

Open and removed

Dec. 27th 92

district

foreman

0122

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

of No. 10th French Blvd Street, aged 27 years,
occupation Police Officer being duly sworn deposes and says,
that on the 20th day of October 1888
at the City of New York, in the County of New York, William Wheeler

now here, who did with intent
to use against another party
concealed on his person
an instrument knowing as
a stump shot or black jack
in violation of Section
460 of the Penal Code of the
State of New York

Frank J. Rohrig

Sworn to before me this

of

1888

day

[Signature]
Police Justice.

0123

Police Department of the City of New York,

Precinct No.

New York, 189

I have known Matthew Johnson about 7 years. The first time I have seen him in 2 mos was Sunday he came to my house about 4:30 or 5 o'clock Dec 11th. He ^(Johnson) saw my wife and said to her "I would like to see Mr Seay". She said to him "He is not in now" - He said "When do you think he will be in?" She said - "I can't say when he will be in for he was out when I came from church but probably he will be in soon, walk in front room & take a seat for I'm going to church again".

At about 7:30 or 7:45 pm I came in. I said "How do do

A Johnson, how is everything - He said "Everything is lovely, and I said to him to sit there till I would get something to eat.

He said "While you are eating your supper I go down to the corner, I want to go to the closet".

When he came back I took

0124

②

Police Department of the City of New York,

Precinct No.

New York...

189

him into the front room and commenced to talk to him. He drew his chair close up to me and asked me if I would do a favor for him. I answered I would if it did not throw me out of my way. - He said "All I want you to do is to give me your right hand" - I said "Oh I can do that willingly" He said "I want you to go, here's your carfare, go down to 25th Street to 113 and see whether Mr Sawyer is there and if he is there tell him that I would like to see him - Then go to Mr Boyd & see Mr Boyd, and see if anybody had been there to see me" - I went to these places in answer to his request. I returned home about 10:50 pm and he was still in house and remained until 11:15 pm - I told him I had seen Mr Sawyer but did not find Mr Boyd. He (Johnson) bid me good night.

0125

Police Department of the City of New York.

Precinct No. _____

③

New York.

189

Monday morning about 8:30 Am
he came back and said "What are you
drinking this morning Jay" -
I answered "Oh a little whiskey as usual"
He said "Oh I don't drink whiskey
get me some gin, "New Jay, I
feel hungry I want you to go
out & get me something to eat and
let your wife cook it, I want
you to go down to 95th Street
again just as soon as you can,
don't delay at all and see Mr
Byrd and ask him whether anyone has
been there looking for me or not.
I did as he asked me and
when I entered Mr. Byrd's house
I met Mr. Byrd himself. Before
I had spoken Byrd asked me
"have you seen Johnson" I replied
I came down here just to see
you now on that business and see
whether anyone had been here to
see Johnson" Mr. Byrd said "yes
someone was here last night looking
for him about 11 o'clock. There's as

0126

Police Department of the City of New York.

Precinct No.

21

New York.

189

not after him as well"
I said "Look here Mr Byrd what
has Johnson done?" Byrd said "I dont
know he hasnt told me nothing"
I said "neither did he tell me"
I said "If I knew what he done
I would be catraped in running
around on a fools errand"
While I was speaking to Mr Byrd
in came Detective Sullivan and
called Mr Byrd outside & spoke
to him - When Byrd came
back Mr Byrd said that the
Detective was looking for Johnson.
Mr Byrd took his hat & went
out.

I returned home about 10 Am
I told Johnson I was going
down town, but I didnt know what
had happened then - I said I will
leave you here and I am going.
"Johnson said "Dont stay all day
Come home as soon as you can."
I went out.

0127

Police Department of the City of New York.

Precinct No. _____

New York... _____

189 _____

While I was talking to Johnson
my wife said "Johnson you're
looking very nice now, you
can thank God for looking so nice"

I returned home about 6pm
Monday Dec 12th and my wife handed
me the Evening paper - and said
"Oh Dollie what do you think,
They have Mr Johnson here for
murdering a man in 24th St.
For Gods sake get him out of
my house as quick as you can.
I wouldn't have the officers get
him in my house for nothing
It would ruin us forever." I
went in and showed Johnson
the paper and said "Johnson,
now here, There's got you in this
paper for murder, I dont know
whether you did it or not, I
want you to put on your
coat & hat & get right out
as quick as you can"
He replied "For Gods sake be quiet
theres no use in you talking

0128

Police Department of the City of New York.

Precinct No. _____

(6)

New York... _____

189 _____

like that "
I said " Whether you did this or
not go as a man & give
yourself up but you cant stay
in my house " - I continued " get
something to eat & then go."
He replied " I will go and give myself
up "

He left my house about 8:30pm and
I havent seen him since.

During these different conversations he
appeared very nervous

Address Dept # 0242 W 44 St

0129

Police Department of the City of New York,

Precinct No.

New York.

1891

I got acquainted with Johnson about a year ago while he was working for Thomas & Wylie in 24th Street.

The next time I saw Johnson was a Sunday afternoon in Sept 1891 in Johnsons house.

On Saturday Dec 10 1891 at about 7:45 pm I met Johnson at his room on the corner of 24th Street and 7th Ave. When I got there first he wasn't home. His landlady said to me "Johnson says if you come here to wait until he returns"

Johnson came in about 7:50 pm. He said to me "Hello is that you," he asked me if I had anything to eat and he drew from his pocket 11 dollars One ten dollar bill and a one dollar bill & said to me that we would go and get something to eat. I replied "Johnson as long as you have got this money I would be obliged if you would get my watch out of pawn & you can wear it until I can get the money & then I pay you & you can return

0130

Police Department of the City of New York,

(2)

Precinct No.

New York.

189

me the watch" He said "All right"
I told him I would go and
get the ticket and I would be
back in ten minutes. I went home
about 7:55 pm & getting the ticket
out of the trunk I told my brother
that Johnson was going to get the
watch out of pawn for me. I
returned to Johnson. It was then
about 8:05 pm and we both went
to the pawn shop on 6th Ave
& got the watch out and he took
it. I said to him if you can sell
that watch let it go but for
not less than 25 or 30 dollars we
went and had supper. We both went
to a ~~the~~ house at ~~the~~ West 26th St.
This was close to 10 o'clock.
The lady was not home and we
waited until eleven o'clock & she
came in. We left there shortly after
we went to 25th St to Mr
Byrd's house. Mr Byrd, Johnson^{and}
myself went to a Bar room on 25th Street.
The three then went to a rear
house on 25th Street bet 6 + 7 ave

OFFICE OF DR. CYRUS EDSON,
NEW YORK.

Dear Mr. Deeks:

I have handed the specimens
of hair to Det. Sullivan (they were
given to me by Mr. Sullivan).

The two specimens appear authentic
as any observer may see who looks
at them with the magnifying glass I
have given Mr. Sullivan. I am
compelled to visit the Crown Point
and tomorrow with Com. Daly (&
perhaps the Mayor). The two specimens
were locked in my desk and I overlooked

0132

OFFICE OF DR. CYRUS EDSON,
NEW YORK.

Then when I was first called.

Yours Faithfully

Cyrus Edson

To

Mr. Barton S. Weeks

April 17th 1893

0133

NEW YORK PRESS CLUB
BUILDING AND CHARITY FUND,
OFFICE: TEMPLE COURT,
NEW YORK.

Hon. Burton S. Weeks.

Kindness
of Mr. Sullivan

Captain Richard O'Connor
19th Precinct.

I went to Thomas & Mylies 132 West 24th St at about 11:30 AM Sunday Dec 11th, 1892. I saw the body of Emil Kukulhorn in the cellar, rear part, face up, (as place shown in diagram) with his feet crossed, lying in a pool of blood; I put the place in charge of Officer Reinhart, and told him to remain there until he was relieved. I remained there about 30 minutes, and immediately started an investigation. ~~I was present~~ I ordered a search made of his ^{of deceased} clothing by Officer Reinhart; he found nothing in his pockets. Matthew Johnson was arrested about 9:30 PM Monday Dec 12th 1892; he was brought into my room immediately; he was stripped and searched in my room. He had four dollars and twenty cents: \$3 in bills and rest in change; a few small keys, and an English penny or half penny.

He was somewhat excited. He had an evening paper in his hand, and he said he saw by the paper that he was charged with killing a man in 24th St; he said he was innocent that he did not know anything about it. I asked him where he was on Saturday Dec 9. He said he was in Jersey; said he was up on the Heights somewhere; met a boy, did not know the boy; he said he went to see a man, but he didn't know the man's name; he said he wanted to get work. He then made a detailed statement of his movements from 6³⁰ on 7³⁰ Pm on Saturday Dec 11, 1892 until the time of his arrest. When asked ~~later~~ ^{about the blood} on Dec 13th, he said he didn't wear cuffs on Saturday; that he wore a black pair of pants on Saturday; that he was in the habit of going in a butcher shop on 7th Ave near 24th St; that they ~~fool~~ ^{fool} ~~with him sometimes and got blood on his clothes.~~ When asked when he last worked, he said for Mr Bird about 2 weeks ago. Said he had \$3000 about 3 weeks ago, and that he had not spent it.

said that he got the black pants
in 58th St near a hotel: that he
worked uptown for \$10 a week for
3 weeks: that he didn't murder any-
one, and that he didn't know ~~anything~~
about Kukulhorris watch.

0137

Captain Richard
Common
19th Precinct

0138

Police Department of the City of New York,

(3)

Precinct No.

New York.

189

+ met several other gentlemen and finally I went to sleep - I awoke about 2 Am + they were still talking - I went to sleep again and awoke about 6:30 Am and said I was going down home. Johnson said "wait we're all going in a minute," I dressed we left about 7 Am and Johnson and myself went to Johnson's room and both went to bed and I slept until 11 Am and when I awoke Johnson was taking a bath. We had breakfast + he dressed.

On Saturday night he said to me we'll go up town tomorrow night. I replied that I could not get my black pants and would have to wear my plaid ones. He said, "I have got a pair of black pants in my room that would fit you" He took them to the tailors + had the pants pressed.

0139

Police Department of the City of New York,

Precinct No.

(4)

New York.

189

He told me he was going out.
I went out and home and returned
about 2 o'clock and lay down on
his bed and went to sleep Johnson
being out.

I didn't see him again until
about 4 o'clock and we had dinner.
He went out and left me in his
house and returned in a short time.
He went out and said he would
meet me at 7 o'clock in 25th
Street and we would go up town
together.

I went to 113 West 25th Street
about 6:30 pm and asked for Johnson.
I left key for him.

I returned to 113 West 25th Street and
waited till about 8 pm when Mr.
Deay called and asked for me
he told me Johnson wanted to see
me. I told Mr. Deay to tell Johnson
that I would wait until 10 o'clock
and then go to bed.

I did not see Johnson again until
Monday morning about 8 AM and said
to me "I'm in trouble" I asked him

0140

Police Department of the City of New York,

Precinct No.

New York.

189

what the trouble was: I asked him
 what he had been doing? He said "I
 don't know" I asked him if he had any
 money and he replied that he had not.
 I told him to give me back my
 watch and I would pledge it &
 give him what money I got
 on it. I did so & pawned the watch
 on Eighth Avenue & gave him \$6.⁰⁰
 he returned me \$1.⁰⁰. We went up
 Eighth Avenue on a car. He got
 off some where in the fortys & I
 continued on to 61st Street where
 I was going to apply for work.
 Previous he told me to tell Byrd
 that he was up town. He told me
 I could find him at Mr Seay's house
 in 47th Street & to tell his landlady
 where to find him & to go to his
 room & get his shoes & a pair
 of socks.
 I went to Mr Byrd's & there met
 Seay & both went to Johnson's room
 & Seay got shoes & socks.
 I got to Seay's house at 1 PM
 and I asked Johnson what was the

0141

Police Department of the City of New York.

6

Precinct No.

New York.

1892

trouble but he would not tell ~~me~~
On my return home about 6pm I met
Johnson's landlady & she showed me
the papers & that was the first I
heard of the murder.

I went up town about 7pm
to see if it was really so.
I saw Johnson & he said he
was innocent. It was then that
Mr. Day advised him to give
himself up. "Johnson said he would
go & give himself up. This was
the last I saw of him.

Philip J. Sawyer 2477 21st
front house

0142

Police Department of the City of New York,

Precinct No.

New York, 189

James Burns, patrolman attached to the 14th Precinct Police Station says:

"On Sunday Dec 11th 1892 at about 5 30 pm Captain O'Donnell sent me to find a man by the name of Hamilton who was in business at 113 West 25th Street. I did so and brought Hamilton to Station house where he told the Captain that he knew Mat Johnson who was in the habit of visiting his place of business.

By direction of Captain O'Donnell Hamilton accompanied me with a view of finding Johnson.

On Monday evening the 12th of December at about 9 30 pm Hamilton pointed out Johnson to me at the corner of 29th Street and Sixth Avenue and I placed him under arrest and brought him to the Station house.

0143

STATE OF NEW YORK
Executive Chamber
ALBANY

March 6 1899.

Dear Sir:

Application for Executive clemency having been made on behalf of David Wheeler who was convicted of manslaughter in the County of New York and sentenced February 24 1895 to imprisonment in the State Prison for the term of twenty years

I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of enquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

Mrs. Asa Bird Gardner
District Attorney
New York

Wm J Youngs
Secretary to the Governor.

COURT OF GENERAL SESSIONS.

P A R T I I .

-----x
 THE PEOPLE OF THE STATE OF NEW YORK, :
 :
 against : Before Hon.
 :
 David Wheeler, alias James D. Blanchard : Frederick Smyth
 :
 alias Charles E. Morrell. : and a jury.
 :
 -----x

Indictment filed November 17th, 1892.
Indicted for Murder in the First Degree.

New York, February, 14th, 1893.

APPEARANCES: For the People, Assistant District Attorney Francis L. Wellman, and Mr. Thomas J. Bradley.

For the Defendant, Mr. Stephen S. Blake.

GEORGE A. DORAN, a witness for the People, sworn, testified:

Direct examination:

I am a police officer. Central Station; Detective Bureau. On the evening of November 3rd last year; I was with officer Carey that evening. About a quarter to 10 on that evening we were standing at the corner of 29th Street and Seventh Avenue. I saw this man Wheeler and another man cross down 7th Avenue towards 28th Street; they wheeled around and came back and crossed from the south side of 29th st to the west side of 7th Avenue. They stood there a few minutes and then crossed to the north side, and walked towards 8th Av. I went to the corner and saw them about twenty five feet down the street standing against a storm door. There were six or seven men standing where Wheeler was. There was a man who was intoxicated standing a distance from Wheeler.

A colored man brough thid drunken man down to where Wheeler was standing. I walked back to tell Carey, and going to the corner again, I saw that some of the men had gone away. I left him and went down the street towards 8th Avenue, and looked into a saloon; as I looked in I heard the report of a revolver; I saw this man Wheeler backing away from Carey; the revolver was pointed at Carey, and was still smoking. The step I was standing on was about ten feet from the corner; they were near the gutter. When I saw them they were about four feet from the gutter. I ran over to them. Carey had hold of him then, and I garbbed his wrist where the revolver was. Carey says "George, I'm shot". I says "Let go of that man Wheeler" and t he tried to point the revolver at me, when a policeman struck him on the head with a club and we all went down. Carey gradually fell on his knees. Carey was taken to an engine house, and Wheeler was taken to the Police Station in West 30th Street. When I arrived on the scene Carey did not have any weapon in his hand. Vallyely who helped to arrest this man appeared when we all fell. We started to carry him to the Station, and then allowed him to walk. He said "That man has been persecuting me". He was searched. Carey's body was brought in on a stretcher. I was there when it was brought in, and his effects were taken from his pockets; his revolver was taken from his hip pocket. When Carey was brought in, Vallyely says to Wheeler "See what you have done now" and he said "Yes, I realize my position".. He afterwards made the remark; "I didn't mean to kill

him".

Cross examination by MR. Blake:

I have been connected with the Detective Bureau about eight months. I have been nearly seven years on the police force. When these men came by we were standing in a position that they could see us if they liked. I first knew Wheeler on the 12th or 10th of October last. I happened to see him at the Jefferson Market Police Court.

They were standing at this storm door with their backs against the wall. This was about twenty five or thirty feet from the corner. I was in front of the saloon. I didn't see Carey or what he did after I left him. I heard a report of pistol, I don't know how near they were to each other when the shot was fired or anything about that. I saw the defendant backing off towards the gutter; it was right at the corner on the sidewalk, in front of the building line. Carey did not have hold of him; there was no one holding him. He only fired one shot. I did not see the defendant come through the door of the saloon chased by Carey. On the way to the station house, Vallely said "I think you did it. done you man" and Wheeler said; " No I pointed down low, I guess I shot him in the leg". That is all the conversation I can recollect, except what I have stated before. I dont recollect defendant saying, "I intended to shbot him in the leg". . I heard Valley testify at the coroners inquest. I recollect Vallely testifying to the effect that Wheeler said that Carey had threatened to kill him if he moved, and then

he shot at him. . I have had no conversation with Vallely about the occurrence. I have been in his company since and have seen him every morning at roll call. I did have conversation with him about this case. I didn't understand you when you asked me before. For five or six days we were collecting the evidence and the witnesses together. I spoke to him about it a great number of times. I have not talked with any of the other detectives about the case. I have talked with the District Attorney and with the witnesses. I did not compare notes with the other detectives; it was not necessary.

When struggling with Wheeler I twisted his arm and squeezed it in trying to get the pistol away from him. I did not know that Carey was shot until I heard him holler to me. His revolver was pointed towards Carey when I grabbed his hand and tried to force it away. I recognize the revolver shown me as the one he used also the bullets taken from it. . I did not take that pistol away from the defendant, but I took the bullets out of it. I recognize the pistol shown me as belonging to Carey. I saw it taken out of his hip pocket after he was killed. It was in a leather case and loaded as it is now. I was on duty on that night with Carey, looking for Wheeler. In was under instructions.

ROBERT A. FINN, a witness for the People, sworn, testified:

Direct examination:

I am a paper hanger and painter residing at 333 West 29th Street. I was on the corner of Seventh Avenue and 29th Street on the night of November 3rd, a little before ten o'clock. In Eugene Boylan's bar-room. As I was leaving the bar-room I saw some people struggling on the sidewalk. I turned around to tell the people in the bar room of it, when I heard the report of a fire arm. I turned again and saw these men struggling on the street. I could not distinguish who they were but since then I found out they were Officer Carey and David Wheeler. When I seen them struggling just off the curb I went and stepped from the sidewalk myself and I seen Officer Carey, the larger man of the two; he had the prisoner by the lapel or somewhere by the shoulder and the wrist; his right hand or left hand was grabbing the right wrist of the smaller man of the two, the prisoner. The prisoner had a revolver in his right hand. I caught him by the right arm with my left, and wrenched the revolver out of his hand. I dont recollect seeing Officer Doran. I put the revolver in my pocket. The larger of the men, Carey, looked at me. Carey still held the wrist of Wheeler when I took the revolver away, and did so until he sank to the ground. I tried to support him; he was a heavy man and I could not do it. He went down with his legs under him. Then Mr. Valley came along, and said "My God it is John Carey". That was

the first I knew of his name. He didn't answer him. The prisoner was there at that time. . Then an officer came along and I pointed out Wheeler and the officer struck him on the head with his club; there were others who struck him. I helped to carry the body to the engine house. During the struggle Carey had no weapon in his hand. . I gave the pistol to Officer Madden in the engine house. I saw the pistol taken from Carey's body at the Station. It was in his right hand hip pocket, in a leather case. At the Station, Vallely says to the prisoner "You see what you have done" and the prisoner said, "Yes I am sorry for it; I didn't intend to kill him".

Cross examination:

I testified at the Coroner's Jury. I saw an officer knock the prisoner down; I think it was Hogan. He struck him deliberately; others tried to hit him. At the time the prisoner said "I am sorry for it" I don't remember any remark about shooting for his leg.. I won't deny that Officer Doran was there: I remember somebody asked me for the revolver and I refused to give it up; it has since been found out that it was Doran. I am not easily excited. I remember that the large man was Carey who sank down, and that Vallely said, "My God, it is John Carey".

JAMES F. VALLELY, a witness for the People, sworn, testified:

Direct examination:

I am a Detective Sergeant under Inspector McLaughlin. I a recollect the night of November 3rd. I was attracted to the scene of this shooting by hearing a shot. When I heard it I was in Nelson's Liquor Store 30th Street and 7th Avenue. It was about nine o'clock. At the corner of 29th Street and 7th Avenue I saw a crowd. When I got there I saw Doran and Officer Hogan; they were on top of a man in the crowd who was lying down and the officer was over him. Doran was facing me, and I said "What is the matter?" and he said "Carey is shot". I said "Is this the man who shot him?" and he says "Yes". I then walked over to where he was lying about two or three feet from where they were standing. I picked up his head and said "HJohn do you know me"? and he made no answer. Madden Sullivan and the foreman of the engine company picked up Carey and said they would take him to the Engine House. I made a prisoner of the defendant. I got him up on his feet, and he said; "That aint my hat". We started to take him to the 30th Street Station I said "I guess you have done you man"; he said; "No I guess he is not hurt bad, I fired low". I said "How did it all happen?"; He says: "That man Carey has been persecuting me". I said; "Did he ever arrest you?" and he said "No". Doran was on the right side of him. I was on the left, and Sullivan was back of us, close behind. I sat him down in a chair at the Station.

The matron dressed a cut on his head. I then took a pair of handcuffs and cuffed him in the chair. He said to me "Find out if Carey is badly hurt". Some one came in and said "Carey is dead". He said "That cannot be ; I fired too low to kill him. The body was brought in and laid near him. I faced him around in the chair, and raised the sheet from the body, and said; "You see what you have done now". He said "Yes, I realize my position, but I didn't mean to kill him."

I took Carey effects from his pockets, and put his revolver in an envelope and brought it down to headquarters with Blanchard or Wheeler; he gave the name of Blanchard that night. Wheeler told me that Carey came across the street with a revolver in his hand to arrest him, and said "You son of a bitch, Wheeler, I want to arrest you" he says ---no, he didn't say "You son of a bitch" he says, "Wheeler I want you, and if you move I will kill you. Those are the words Wheeler used to me. He told me this when I was taking him to the Station house. That was the first thing he spoke of. Cross examination:

I was not intimate with Carey; there was a feeling between us and we didn't speak. On that night I did not say; "My God, it is John Carey". . I dont know whether the witness Arnold was there or not there was quite a crowd. I said to Doran, "What is the matter"? and he said; "Carey is shot". I said "John when I raised his head up. I did not say to the defendant "If it is necessary to connect you with Jesse James we will do it" or anything like that. I said , if I

had been there I would have clubbed him. There was only one cut on his head where the officer hit him. It was necessary to send for an ambulance; the surgeon said there was nothing serious the matter with him. When the body was brought in he stood and said: "Oh my God". I did not find any warrant on the person of Carey when I searched him that night.

I identify the revolver shown me as the one I took from Carey. I found it loaded in that condition. There was some dust and nap of clothes on it. Nelsons saloon is about 200 feet from Boylans. I ran out of it when I heard the shot. He was lying on his back and Hoga and Doran were on top of him. It was about four or five feet from the curb. I did not know Arnold until I saw him in the station house.

PETER HOGAN, a witness for the people, sworn, testified:
Direct examination:

I have been connected with the 20th Precinct going on seven years. I recollect the night of the shooting November 3rd; I was attracted to the scene by a pistol shot. I was on the southwest corner of 30th Street and Seventh Avenue. It sounded from 29th Street; I was looking down that way. I ran down and saw two men scuffling. Officer Carey had hold of the defendant. Doran had hold of him from behind. Defendant had in his hand a revolver and was struggling to get it around. I saw him make three or four lunges to get it around and I struck him on the head with my stick, and knocked him down. Detective Carey fell with him and held him a min-

ute or two. I rapped for assistance. I held Wheeler down until assistance came; then Detective Madden and somebody else took Carey away. Wheeler struggled again to his feet and somebody else struck him; I don't know who it was; and knocked him down again.

Cross examination:

I am a police officer. My post that night was the West side of Seventh Avenue from 27th to 32nd Street. When I heard the shot and looked I saw two men running; one was holding the others coat; they were struggling; they were running northeast; they ran off the sidewalk. They continued to struggle until I reached the corner; Carey and Doran were struggling with him then, and I knocked him down and that ended the struggle. I didn't take hold of him. I looked for the pistol then, and Arnold said "I got it". The pistol was in his hand when I struck him. He was stunned for a moment. By that I mean about ten seconds. I was not excited. I did not beat him again somebody struck him from behind me, over my arm. At that time Valleyly Madden and Sullivan were there. I did not assist in carrying him to the Station. I have known Carey three or four years. I probably met him twenty times in Court. Valleyly said something to Carey; I think it was "Are you shot bad?" I wont swear whether he said "My God it is John Carey".

CORNELIUS J. SULLIVAN, a witness for the People, sworn, testified:

Direct examination:

I am a detective officer attached to the 19th Precinct since last October. I recollect the night of the shooting. I was in front of the Station House on West 30th Street when I heard the shot. I looked towards Seventh Avenue and saw a man running towards 7th Ave. and I ran myself. Detective Madde n went with me. When I got to the scene I saw Carey kneeling down with the prisoner underneath. Doran was trying to lift Carey up. I pulled Wheeler from under Carey. Wheeler was resisting and I put my nippers on him. Carey was taken to the engine house, and we started with Wheeler to the Station house. On the way Vallyely made the remark "You have done your man" and Wheeler said; "That man has persecuted me. I have only shot him in the leg". Wheeler was taken to the back room and put in a chair. Carey was brough in a laid in front of him; the cloth was taken off his body, and then Wheeler said "My God, I realize my position, I didn't mean to do it". I saw Vallyely take a shield and a revolver from Carey's hip pocket; the revolver was in it's leather case. He called my attention to the dust on the top of the gun, right behind the hammer. I dont know if the gun was loaded or not. I didn't see it taken out of the case.

Cross examination:

I did not appear before the coroner's jury as a witness. I am a ward detective; 19th precinct. . I heard the pistol, and I ran to 7th Avenue. I know nothing

about the beginning of the trouble. I had hold of Wheeler before anyone else did. Hogan was there at the time. I had no conversation with Valley last night, or with the other witnesses. . I don't know whether Vallely was there before me or not. I used force in holding Wheeler; I believe I hit him on the shins with my billy. He was kicking with his feet and lying on his back. I dont think he was unconscious at any time; he was not when I got there. No one struck him besides me while I was there; I struck him to keep his feet down. When we got the re to the Station the ambulance was sent for; it was intended for Carey and not for this man. When the ambulance was rung for Carey was at the engine house. I did not leave the station house after we brought the prisoner in. The surgeon dressed the head of the prisoner. I didn't hear what he said. I didn't hear prisoner say, "I fired low". I heard him say "I meant to shoot him in the leg". Vallely might have said something to him on the way to the station that I didn't heard. I was keeping the crowd back. Prisoner said "I didn't mean to kill him".

BESSIE CHAPMAN, a witness for the people, sworn, testified:

Direct examination:

On Nov. 3rd. I lived at 325 West 29th Street. I was coming out of the side door of Boylan's saloon, on 29th Street. I was going towards 8th Avenue. David Wheeler was standing at the door talking to two men.

He said "How do you do, Bessie?" and I said "How do". He had gold glasses on, and he said. "You did not recognize me with those glasses on, did you?". I said, "Yes" He took them off and put them in his pocket. I says; "Where have you been so long?" He says, "I have been to Baltimore". That is all he said. I saw a gentleman run across the street from the opposite side. Wheeler saw him and ran through the storm door, the west side to the east towards Seventh Avenue; as he got to Seventh Avenue this man grabbed hold of him. He got away and as he got betwee the curb and the car track he grabbed him again. Wheeler turned around and then I saw a flash and I didn't see who did it. He grabbed hold of Wheeler with his right hand, by the back of his coat. Carey had no weapon in his hand. When he ran after him he did not strike him. As soon as they began to run there was a crowd assembled from all directions. I saw Carey try to catch him by the collar.

Cross examination:

I appeared before the coroner's jury as a witness. These three gentlemen were standing close to the wall of the building, conversing to gether. He spoke to me first. I did not know he had poor eyesight; I knew that he wore glasses. He was between the other two; he did not move when he spoke to me. . The others did not take part in the conversation. He did not have time to bid me good night. I was standing there when he started to run. . His starting to run attracted my attention to the man crossing the street... I have been in the House of Detention three months. I have been ill.

I was brought to the District Attorney's office, and made a statement; there was no one there representing defendant. Mr. Bradley took the statement, no one else was there. I made the statement then that I am sticking to now. I did not suppose that I would be released if I made this statement. . . It was about ten o'clock at night that this affair occurred. I was not excited. The man did not come up and seize him violently and strike him with his fist before he ran. . . A lady started to come out of the saloon with me; she waited for me at the chowder stand when she saw me talking to this man. I have talked to Arnold since this affair. since the trial began. I have talked with officers; they told me to tell the truth and do the best I could; Vallely told me that. He is the man that arrested me. I had no conversation with others about the case. . . I told Vallely I was excited. He said there was no use in getting excited, and to tell the truth. . . When Wheeler started to run the other man was at the curbstone. He ran through the storm door after him and overtook him about the corner. ; the pistol was fired whilst they were clinched. I did not hear their words. It was just a week after that, I testified at the coroner's inquest. I didn't remember making the statement that I could not recognize him with the glasses; if I said "No" it was because I was excited. I meant to say "Yes". When the shot was fired they were close together. I am dressmaker, I take in work. I was not working at the time of the shooting. I was a woman of the town. The sidewalk there was about four feet wide.

FREDERICK REINERT a witness for the People, sworn testified:

Direct examination:

I am a city Surveyor. At the request of th District Attorney I made the diagram shown. It represents the intersection of 29th Street and Seventh Avenue, showing the interior of the saloon at the north-west corner. . The distance across the sidewalk in front of the storm door is fifteen feet. The distance from the eaterly side of the storm door to the curb is 38 feet. It is a correct diagram.

THOMAS J. MADDEN, a witness for the pople, testified :

Direct examination:

I am a precinct detective; 1st precinct. On the 3rd of Nov. I was connected with the 19th. I saw this defendant on October 10th at the Jefferson Market Police Station. Carey was there. . Something was said by Carey about this defendant in the presence of this defendant. I saw the defendant standing at the rail in company with two other prisoners, Woods and Kelly. Detective Carey identified the defendant; He said; "This is Dave Wheeler". . That is all I recollect hearing.

Cross examination:

Defendant said nothing that I heard.

THOMAS F. BRENNAN, a witness for the People, sworn, testified:

Direct examination:

I am an officer, Ninth Precinct. I recall

October 10th, 1892. I saw this defendant, Carey and Madde n at the Jefferson Market Police Court. Carey asked me in the presence of this defendant if I knew who we had. . He told me that the prisoner was an ex convict who had just come down and he told me that Jimmie the Loon was another ex convict, and the third man I knew myself, Thomas. Prisoner gave his name as James J. Franklin. They were held until after the Columbian Celebration and one was fined five dollars for carrying a revolver and the other two were discharged.

Cross examination.

I made the arrest of this man. He was with Farrel a thief whom I knew and he was arrested as a suspicious person. They were going towards the Christopher Street Ferry when I arrested them. . He was remanded until the following Friday and discharged. He was arraigned on the charge of suspicious person.

GEORGE BRODERICK, a witness for the People, sworn, testified:

Direct examination:

I am a ward detective in the ninth Precinct. I recall October 10th, 1892. I saw defendant on that day, also Carey, who identified him, at the Jefferson Market Court. He was under the name of James J. Franklin. Carey identified him as David Wheeler.. Carey said to me; "they are two ex convicts". I knew one of them, Farrell, who gave the name of Russel Thomas. . Care asked me if I knew who we had? He says "I was looking for them people all night. When I was taking them back

after their being remanded, he had a watch and chain on him, and he says; " Take that watch and chain off him; you might find an owner fot it."

Cross examination:

He was charged with disorderly conduct. My duty was to arraign these prisoners before the judge. They were standing there waiting. Carey pointed out Wheeler and said "That's Dave Wheeler". This defendat was committed for examination until, the next Friday. It was in the presence of the justice that we talked about Wheeler. I took him downstairs and he was locked up. I knew Carey well; I know Doran and Vallely. The first time my attention was called to this conversation was when the District Attorney sent for me after the man was shot. I have not talked with Vallely since the shooting, about this case nor with any other officer or person.

WILLIAM HICKEY, a witness for the people, sworn, testified:

Direct examination.

I am twenty years old. I have been on the House of Detention since Nov. 5th. I have known defendat about two and half hmonths before the shooting. I got to know him through Fa rell: I met him eight or nine times. On the corner of 30th Street and 7th Avenue, I heard Wheeler say in the presence of a man named ca Casey, and others; that Carey and Doran were looking for something, he didn't know, and he said he would never leave Carey take jhim in. I saw Wheeler on the

night before the shooting, at 240 W. 40th Street; there were present Thomas Brady, a Mrs Kearney or Miss Edwards as they call her and Wheeler. Wheeler told Mrs. Kearney that Carey and Doran were looking for him for something he didn't know, and she told Wheeler he better not go out and get himself in trouble. He didn't go out.

I saw him on the night of the shooting in Miss Edwards house about seven o'clock. I told him I would be back about 11 o'clock, and he said he would be there.

I heard of the shooting in Boylan's saloon about half-past 11 that same night.

Cross examination:

I made a statement to Mr. Bradley at the District Attorney's office. to Mr. Bradley. I was working on the Dock department about three years. I was out of work three weeks before this occurrence. I was never arrested or convicted of crime. I live at 553 W. 39th Street.

Q. What was said before he introduced this subject; the first thing that was said and who commenced the conversation? A. Well a man named Hurley told Wheeler

that Carey and Doran was looking for him, that some grocery store had been robbed in 40th Street, and they blamed it on him and they were looking for him for it. .

Hurley said that Carey had arrested him as a suspicious character and asked him where Wheeler was stopping.

This was said in my presence. Wheeler said he would keep out of their way. About three days after that he made another remark; he said; "Carey is looking for me

for some grocery store that is robber in 40th Street. I aint going to leave him take me in.". This was at 32nd Street and Seventh Avenue. We were talking about taking a walk down to Boylan's to see who was there. We frequented there. When he mentioned the matter to Mrs. HKearney he didn't say that Hurley had told him so. He didn't make any threat, he said he would keep out of the way. He only laughed when she said "Dave, you better not go out". . He told me several times that he would never let Carey take him in. Whenever the subject came up, or when anyone told him that Carey and Doran were around, he would say this. . I taken once or twice with Varelly and Doran since the trial began. I have talked with Arnold, Bessie and the colored man about this case. Wheeler was cool and pleasant when he made this remark about Carey taking him in. It did not impress me that he meant anything serious by it. I made the statement to the district attorney of my own free will; I told him the truth. There was no accusation made against me in connection with this homicide or murder.

EDWARD TAYLOR, a witness for the People testified as follows:

Direct examination:

I reside at 445 West 56th Street. I am a driver. I met the defendant on the night before the shooting occurred, in Boylan's saloon, 29th Street, and

7th Avenue. I was standing at the bar about ten o'clock. Wheeler said to me " I hear Carey is looking for me, if Carey goes to take me he will have to shoot me, I won't go with him no other way". . I had friendly relations with Wheeler for about three months.

Cross examination:

I drove for the Eastman Beef Company. I have been convicted for petty larceny once, and got five months. I used to be in Wheeler's company a good deal; we frequented Boylans'. I don't remember who was present in the saloon. I made a statement to headquarters. It was about ten o'clock. Pickey was not present. . He tapped me on the shoulder and took me aside and told me confidentially. I visited him at the Tombs and I said to him "Did you believe what you read in the papers?" and answered, "How could I?". I didn't make this remark; "Dave, I am a married man and have a wife and children to support, I thought of them and said anything to keep me at liberty"? Nor did I say, "I shall leave the city when your trial comes off". . I have never been to State Prison. I had a conversation with Vallely yesterday and to-day; he told me to tell nothing but the truth, and take nothing from it. I have not spoken with other witnesses or officers about the case. Wheelers manner when he made the remark about Carey was pleasant. I was subpoenaed to the District Attorney's office and made a statement; I didn't swear to it or sign it. It was after that I went to the Tombs. It is six years since I went to the penitentiary for this petit larceny. Since then I have been leading an

honest life. My conversation with Wheeler at the Tombs was: "Dave, I am sorry for you"; he says "Well I guess it will be all right". I says: "I was not around that night I was at the theatre, and did not hear of it until I went to the saloon and the proprietor says, 'Carey is shot' and I says, 'Is that so' He says, 'Dave Wheeler shot him' and I says, 'Did they get him, and he says, 'Yes'". I never had any unfriendliness with Wheeler.

FRANK J. O'HARE a witness for the People, sworn,
testified:

Direct examination:

I am deputy Coroner. I made an autopsy on the body of John Carey November 4th, at 10.30 at 413 West 59th Street. There were no external marks of violence except a pistol shot four inches below the navel; probing it I found it extended downward to the right, penetrating the femoral artery, an inch and a half of the pubal ligament. I examined the brain and organs of the body and they were free from disease with the exception of the heart; there was a little thickening of the aortic valves. The cause of death was hemorrhage produced from the pistol shot wound of the femoral artery I identify the ball produced here. It has been in my possession. It is the one I took from the body.

FREDERICK REINERT, recalled by the People, further testified:

On the map of the storm doors, they opened inward ; I could not say if they opened outward also, or swung both ways. I drew the map and made the measurements

myself. I did not examine whether they swung outward too.

THE PEOPLE REST.

THE COURT: You have not identified this body, as the body of the person mentioned in the indictment.

MR WELLMAN: I will call another witness.

EDWARD GORDON, a witness for the People, sworn, testified:

Direct examination:

I am an undertaker. I had charge of the interment of John Carey. I found the body in the 30th Street Station house November 4th, at about 10 minutes past 12. I was present at the autopsy.

Cross examination:

I knew Carey by sight passing my place of business not by acquaintance. I knew he was a police officer.

MR. WELLMAN: The People rest.

D E F E N S E .

JONAS A. ROSSMAN, a witness for the defendant, sworn, testified:

Direct examination:

I am a plumber at 387 Lexington Avenue. I reside at 204 Alexander Avenue. It is about ten years ago since the defendant first came in my employ. The entire time he has worked for me has been about four years. I never had a man in my employ that was more even tempered, more gentlemanly or social to anybody.

Cross examination:

He started to work June 17th, 1883, and worked until October 7th, 1883. He came back January 18th, 1885. He worked until November 12th, 1886. He came back April 3rd, 1888 and he worked until June 14th, 1889. Came back February 5th, 1890 and worked one month. He always went by the name of David Wheeler. The last time I laid him off was because I had no work for him. All the other times he left voluntarily.

MILTON SCHNEIER, a witness for the defendant, sworn, testified:

Direct examination:

I am a plumber, residing at 230 East 61st Street. Business at 347 Columbus Avenue. I have known the defendant during the past eight years. He worked for me from July to September 1892. His reputation for peace and quietness was always excellent. I was a co-worker with him.

Cross examination:

I have not got the date he worked for me. I once heard he was locked up. I didn't know he was at Sing Sing, or what crime he committed.

MICHAEL GOULD, a witness for the defendant, sworn, testified:

Direct examination:

I live at 772 Columbus Avenue. I am in the drug business at 93rd Street and Columbus Avenue. I am clerk. I saw the defendant on Nov. 3rd at 240 West 40th Street.

I saw him there from 11 in the morning until about 9 P. M. He asked me for the loan of some money. I did not lend him any. He went out. I handed him a revolver from the top bureau drawer; he took it, went out. I stayed in the house. I knew the defendant six months. I have seen him wear glasses; I believe he has weak eyes.

Cross examination:

I boarded in this house with Mrs. Edwards. It is not true that when these gentleman came to the house they found me washing her leg. She is not a prostitute to my knowledge. Wheeler visited there.

Re direct examination:

They were respectable people that lived in that house. I was never arrested except on the occasion when the officers came in after the shooting. They took me too. Mrs. Carney is a married woman. She passed then by the name of Mrs. Edwards. At that time Mr. Carney was in the Tombs.

JAMES O'TOOLE, a witness for the defendant, sworn, testified:

Direct examination:

I live at 424 West 33rd Street. I am a bartender at 40th Street and Eight Avenue. I knew Carey. I didn't know Doran until he took me to headquarters. Prior to November 3rd, there was some money stolen from the drawer of the saloon. I could not say who it was who took it; it was while I was looking at a parade at the front door. I didn't make any complaint. I was

brought to headquarters to identify in this defendant I could not identify anybody. . I never spoke to Officer Carey in his lifetime. I dont remember the shooting or when it was; I heard of it; I didn't take any interest in it. . I dont know how long before or after the shooting that this money was stolen. I cannot identify this man. Whoever it was stole the money, there was no breaking o into the place; it was open.

Cross examination:

I described the man whom I saw running out of the place, to the police. I said he was a short man with a kind of black mustache. I cannot identify the defendant as the man.

MICHAEL GOULD, recalled by defendant, further testified:

I was not engaged in washing any legs. Thomas Wallace is the man the District Attorney refers to; he was sitting beside this woman Celia; I don't think there was any washing at all. There was a man named Rob there at this house; I do remember his coming back to the house after the shooting. I have not kept any track of him since. I am not living in that place now.

DAVID WHEELER, the defendant, being sworn, testified:

Direct examination:

I am 27; was born in New York City. I am a plumber; I first went to work at it in 1880; I was then about fifteen. I have worked since then at the business, except when I was in trouble. In have lived all this time

with my folks. When I was first arrested I was 16; it was for ^{the} cropping down a tree. On the second occasion I was arrested for grand larceny. I was convicted and sent to the Elmira reformatory. I was arrested on another occasion; I don't know what the charge was but I was discharged. I was arrested for intoxication in 1889. I was discharged. I was arrested in October 1890 for a crime of which I was innocent--burglary. By the advice of the Captain of the Court I pleaded guilty to an attempt at Burglary. I was sentenced for one year and 11 months. That is all. I was arrested for disorderly conduct in 1883.

On the occasion of my arrest October 10th, I was going towards the Christopher Street Ferry, with two friends; we were attacked and had a melee, and then went into a saloon, and when we came out we were arrested, and brought to the Charles Street Station House by Officers Brennan and Broderick. I was charged with disorderly conduct. At Jefferson Market I was put over until Friday for examination. I was discharged on Friday. I was entirely innocent of the charge. I never saw the man Carey in my life to know him until the accident. I heard no remarks made by him about me in the Jefferson Market Court.

On the day of the homicide, I was at the house of Mrs. Kearney until the time I went to the saloon. I had a pistol in my possession in that house. I asked

Michael Gould if he could loan me two dollars . He did not lend it, so I said I would take a walk. Gould handed me the pistol. I left the house intending to ~~take~~ take a walk and borrow some money from the barkeeper at Boylan's saloon. I met a friend who accompanied me. I looked in the side door of Boylan's but could not see the bartender. I saw a friend of mine--Jimmy-- and called him out and^d asked him if Jack Connelly the bartender was in there, and he said he was. We went in and I saw that the bartender was busy so I didn't ask him. We went into a side box; there was a woman in there and we had a drink. I invited Jimmy to walk outside with me. He loaned me two dollars; I offered the revolver as security. Just then a lady came out and I stepped one side to speak to her. I took off my glasses. I said to her "I have just come in from Baltimore. I will not detain you as your friend is waiting". I stepped back to the men. The revolver was handed back to me. Just then someone grabbed me very violently on the right shoulder from the rear. I turned quick with my hand up in the air and I received a blow on the temple which drove me against the side wall of the building; the force of the blow dazzled me, and I ran in the direction of Seventh Avenue, passing through the ~~stom~~^{stom} door of the saloon. When I got about the middle of the sidewalk on 7th Avenue my assailant said, "Wheeler I will kill you; you son of a bitch"; he struck me a thundering blow on the back of my head which staggered me and I almost went to my feet; I ~~t~~^{turned} and grabbed the

hand that struck the blow. My assailant broke it loose and started to rain blows on top of me; blow after blow. We struggled and I thought my life was in danger, or I was in danger of bodily harm, I had the revolver in my hand, and I forced my hand down towards his leg, and on the impulse of the moment I pulled the trigger. The shot went off and as true as there is a God in Heaven, I never intended to take that man's life. My assailant clung to me and we backed into the street. Then a young man, whom I know now is Mr. Arnold, came and grabbed hold of both of us. He took the revolver out of my hand. I then received a blow on the head from some officer's stick, it stunned me and I fell to the ground; they all started in to club me and I tried to keep the blows off. While I was trying to keep these blows off, I saw my assailant sitting down in front of me, and I heard a gentleman say, "My God, it is John Carey"; someone else remarked "Who, Officer Carey?" and the man said "Yes". Then someone said, "Carry him over to the other corner and attend to him". I was then clubbed into insensibility. When I next came to my senses they were carrying me. I said I thought I could walk, and they let me down. Officer Valley was on the left side of me. They put a hat on me, and I said "this is not my hat, I don't want this". and he says "Put that hat on your head, it is all cut". He says, "I guess you have hurt that fellow pretty bad". I did not answer that question and then he says to me, "How did it happen?" and I said "It is a

case of persecution". I was supported to the station house by the two officials. One was Vallely, I don't know who the other was. I gave the name of James D. Blanchard to the Sergeant, and the address Chicago, Ill. I was weak from loss of blood, and they sat me down in a chair in the back room. The surgeon came in and dressed my head. Vallely made the remark, "I guess you have hurt him pretty bad"; I said, "No, I don't think so". Then Carey was brought in and laid in front of me, and Vallely lifted the sheet off his face and he said, "Dave, look what you have done". I ^{said;} ~~said~~ "I am sorry for it, I realize my position now, I never intended to take his life, I meant to shoot him in the leg". Then another official said excitedly, "You have done your man--you have done your man".. several times. I said "No, no, no, for God's sake, don't say that; I am not that kind of a man". . I said to Mr. Vallely, "You know I am human, and I am in serious trouble". I says; "You are a citizen and I place my person under your protection, see that they don't harm me any more, for I am half dead now"; he promised me his protection. I was then handcuffed and taken to 6th Avenue and 30th Street. I was in a cab with Vallely and another officer. On the way Vallely said "If I had my way I would blow the head off of you". The other officer remarked; "Well Dave, I honestly don't believe you meant to take that man's life, but if I had my way I would run a knife in your stomach and pull it up to your neck". I don't remember his name. I was taken to the Central Office, examined and locked up.

Vallely made the remark, "We will convict you if it is necessary to connect you with Jesse James". . . When I was brought to the station, I heard the Sergeant say, "Ring up an ambulance". I don't know whether it was summoned in my behalf.

When I crossed 7th Avenue toward the saloon, I saw some men there but didn't recognize them. I never knew John Carey. I knew Hickey met him twelve or fifteen times; had a friendly acquaintance with him.

Q. Hickey testified that you said to him that Officers Carey and Doran were after you, that you replied they would not take you in; did you ever make such a remark to him? A. No sir, I never used any such remark to anyone living, in my life. I made no threat against Carey or any one else. In regard to witness Taylor, I never mentioned a word to him of what he has testified here about Carey having to shoot me before he could take me in. I had no conversation with Taylor in which Carey was mentioned. He visited me at the Tombs; he said he made a statement at the District Attorney's Office; he said when he made the statement that he was drunk. He said that his statement was untrue that he had a wife and children and he didn't want to go to the house of Detention. I was present at the coroner's inquest. Bessie Chapman testified there that she did not recognize me that night. I saw no man running across the street that night; my back was to the gutter. I testified that the first intimation I had of this man's presence was his seizing me. I was about three feet from the building at the time; he followed

me through the storm door. He showed no warrant; he did not say he had one, or that he wanted to arrest me.. He said nothing but what I have related.

O'Toole was brought to identify me; he said that I was not the man who took his money. I have committed no crime or offence since I came from prison. I never committed a crime; I was convicted of grand larceny, because I was found in the company of crooks who were disposing of stolen good; I received none of the proceeds, I never stole a nickle in my life. I was convicted as an accomplice; I was not actually guilty.

When I fired the pistol we were clinched. We were struggling when the pistol was taken from me. It was after that that Hogan struck me. The officer who remarked "You have done your man" was not in Court. I don't know his name. He was in uniform. It was said in the presence of other officers.

When I fired the shot I did not know the man was an officer of the law.

IX
II
[Q Had you any intention of killing that officer that night? [A. No sir, I would not take the life of a cock-roack or a fly.

Cross examination:

My real name is David W. Wheeler. I have gone by the names, Charles E. Morrell, James J. Franklin and Blanchard. I changed my name for the reason that as I was unfortunate enough to get into the hands of the law I didn't want to bring disgrace on my folks.

I cannot remember being indicted a for assault with intent to steal. I was committed to the Catholic Protectory, it was in my childhood; my parents sent me *there*. ~~there~~ When I was tried for larceny I was sent to the Elmira Reformatory; I pleaded not guilty. The next time I was arrested I gave the name of Murphy, I think. I am not a professional thief; I am not a till-tapper. I never stole a penny.

I was convicted in October 1890 for burglary in the third degree. I pleaded guilty because I was advised by a court official that if I stood trial, I would get five years. I was innocent. I have never been in the penitentiary. I have been in Dannemora; drafted there from Sing Sing.

I dont recognize Officer Ryan who you say arrested me. I never said to him "If I had a pistol with me no officer would arrest me". . I remember a plumber Flynn whom I worked for. I never said to him that if he didn't pay me I would stick a knife in him. I did not know that Jimmy the Loon was a professional pickpocket, or Farrel either. I deny that we were going to Newark to work a parade going on there. I said at the Jefferson Market Police Court that I didn't know anything about Carey. He did not come up to me. I did not hear the conversation the officer testified about. . I am not in the habit of standing on any corners. I was not knocking around any certain corners. At the time of the shooting I was living with my folks . I wasn't living with Mrs. ^KCarney.

I slept there the night before. I haven't lived in the 20th Precinct since, 1887. I did not know the names and faces of the 20th Precinct detectives.

The pistol was handed me as I was going down the stairs; it was not my pistol; it belonged to Hickey. I had a revolver that I called mine but I didn't have it on my person. I believe the police have it now They got a revolver from him and I suppose it was mine. I always carry a revolver. I got a revolver first in 1887, when I was going on a vacation, for target practice, and got into the habit of carrying it after that. The words that Carey used before he struck me were, "Wheeler, I will kill you, you son of a bitch". I never saw him before. I dont know what he hit me with; it felt like a hard instrument. . When arrested I said I thought Carey had a pistol in his hand. I did not see one; I don't know whether he had one or not. . I aimed for his leg; I tried to keep the revolver towards the ground. I didn't draw the pistol; I had it in my hand. I was protecting myself against the onslaught of the official. It was done on the impulse.

Redirect examination:

The names I gave when I was arrested, I did not live under. I was indicted under my right name. How the Grand Jury got oit I don't know. The watch I had on in the Jefferson Market was my own. My back was to Carey when he struck me first. If I wanted to shoot him I had opportunity. I don't know the man Rob's last name or where he is, or whether he had a pistol with him that night. I tried to find him. I only met him two

or three times. Mrs. Kearner never said to me "Don't go out Dave, you will get in trouble".?. I deny that Hurley told me there had been a till tapped and that Carey was after me. Hurley told me he had been arrested and that they asked him if he knew Dave Whelger, and he said he did not. I said then that I was not the party; there was a mistake. I got out of prison on the 2nd of June 1892. I went to work for Schneir a week afterwards. I was allowed deductions for good behaviour. I worked for Schneier until September, after that I worked for Flynn for four days. I haven't worked since.

When arrested I said it was a case of persecution on the part of the officer who struck me. I had done nothing at all; I was doing nothing. It was after I had heard Vallely say "It is John Carey", that I made the remark about persecution. These storm doors were both off; there was no doors.

Defense rests.

MICHAEL GOULD, a witness for defense, recalled.

I know Hickey. I deny that I tried to slip him a piece of paper to him. The pistol you show me is not mine. I got it out of the bureau drawer. The first I saw of that pistol was the morning before the shooting when I got up about 11 o'clock

Q You never saw it before? No sir, not this one; not the one I handed to the defendant.

Q Is that the one you handed to the defendant?

A It looks something similar; it might have been

changed since the time I saw it. I gave him the pistol to borrow money on. It was not mine; but as long as it was there I thought I had the privilege of giving it to him. I saw no other pistol there.

WILLIAM HICKEY, a witness for the People, recalled:

Mike Gould came to see me at the house of Detention and handed me a paper. I tore it up. I did not have the defendant's pistol before the shooting. I have seen him with a pistol before the shooting. My own pistol was on me when I was arrested. It is the pistol which you show me. I ~~bought~~^{bought} it for twenty five cents from a boy. I didn't borrow it from the defendant. It was broke when I gave the boy twenty five cents for it. I have not been in the hands of the police before. I am not the leader of any Texas Row gang. My friends are in 54 Street. I didn't talk to any detectives about this pistol business this morning. I have been sitting in Court all the morning. I worked for the Dock Department for three years.

GEORGE DORAN, a witness for the people, recalled:

When O'Toole gave a description of the felony at his place Carey was present. He described him as a short man with a black mustache. Carey was present. He and I were looking for the man on the night of the shooting. When the complaint was made in regard to this larceny at the saloon, we went up to see the bartender O'Toole. He described the man he suspected of it; he said he was

between twenty five and thirty years of age. We went to look for the person described. Wheeler was known to the police as a till tapper. We believed that he corresponded to the description. We had no other description than the one I said. The reason we did not arrest him when we saw him crossing the street was because we saw this drunken man on the other side, and we saw his friend go over and get a good look at the man, and I thought if we waited we would get in the act of robbing this man. The till was tapped somewhere about the 25th of October.

Testimony closed.

Indictment filed Nov. 17th 1892

Count of General Session
Part 3

The People vs.

David Wheeler,

Abstract of Testimony
at Trial Feb 14th
1893.

Faint, illegible text, likely bleed-through from the reverse side of the page.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

David Wheeler, otherwise called James D. Blanchard, otherwise called Charles E. Morell

The Grand Jury of the City and County of New York, by this indictment, accuse David Wheeler, otherwise called James D. Blanchard otherwise called Charles E. Morell, of the CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said David Wheeler, otherwise called James D. Blanchard, otherwise called Charles E. Morell, late of the City of New York, in County of New York aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms, in and upon one John Carey in the peace of the said People then and there being, wilfully, feloniously and of his malice aforethought did make an assault; and the said David Wheeler, otherwise called James D. Blanchard, otherwise called Charles E. Morell, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said David Wheeler, otherwise called James D. Blanchard, otherwise called Charles E. Morell in his right hand then and there had and held, to, at, against, and upon the said John Carey, then and there feloniously, wilfully and of his malice aforethought, did shoot off and discharge, and the said David Wheeler, otherwise called James D. Blanchard, otherwise called Charles E. Morell, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, him the said John Carey, in and upon the abdomen of him the said John Carey then and there feloniously, wilfully and of his malice aforethought, did strike, penetrate and wound, giving to him the said John Carey, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

said David Wheeler, otherwise called James D. Blanchard,
 said otherwise called Charles E. Morrell, in and upon the abdomen of
 the said — John Carey, — one mortal wound of the breadth of
 one inch, and of the depth of six inches, of which said mortal wound — he — the
 said John Carey then and there died. ~~at the City and County aforesaid,~~
~~from the said~~ day of ~~in the~~
~~year aforesaid, until the~~ day of ~~in the same year~~
~~aforesaid did languish, and languishing did live, on which said~~
~~day of~~ in the year aforesaid, the said
~~at the City and County aforesaid, of the said mortal~~
~~wound did die.~~

AND SO THE GRAND JURY AFORESAID do say: That the said David
 Wheeler, otherwise called James D. Blanchard,
 otherwise called Charles E. Morrell, him, —
 the said — John Carey, — in the manner and form, and by
 the means aforesaid, wilfully, feloniously and of — his — malice aforethought, did kill
 and murder against the form of the statute in such case made and provided, and against the
 peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

0183

BOX:

504

FOLDER:

4590

DESCRIPTION:

Wheeler, William

DATE:

11/01/92



4590

Witnesses:

off coloring

Counsel,

Wm. Ketter

Filed,

day of

189

Pleaded,

guilty

THE PEOPLE

28 vs.

394 *Butler*

William Wheeler

CONCEALED WEAPON.
(Section 410, Penal Code.)

DE LANCEY NICOLL,

Dist 2 - Am. City District Attorney,
Peoria County

Pen 30 days

A TRUE BILL.

B. Lockwood

Foreman.

Peoria, Mo. 11th Mar 23rd
1122 18th G.S.B. G.S.B.

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Wheeler being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *William Wheeler*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Virginia*

Question. Where do you live, and how long have you resided there?

Answer. *No home*

Question. What is your business or profession?

Answer. *Lawyer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty*

W. Wheeler

Taken before me this
day of

Police Justice.

0186

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named DePue

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Oct 10 189 John Ryan Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order he to be discharged.

Dated, _____ 189 _____ Police Justice.

Police Court---

District

1840

THE PEOPLE, &c.
IN THE COMPLAINT OF

Frank [unclear]
vs.
William [unclear]

James [unclear]
Michael [unclear]

2
3
4

Dated, 189

[Signature]
Magistrate.
Officer.
Precinct.

Witnesses
No. Street.

No. Street.

No. Street.
\$ 1000 to answer *JS*

[Signature]
[Signature]

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0188

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Wheeler

The Grand Jury of the City and County of New York, by this indictment accuse
William Wheeler
of a FELONY, committed as follows:

The said *William Wheeler*
late of the City of New York, in the County of New York aforesaid, on the *25th*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms, feloniously did furtively
carry, concealed on his person, a certain instrument and weapon of the kind commonly known as
a slung shot with intent then and there
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,
against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said
William Wheeler
of a FELONY, committed as follows:

The said *William Wheeler*
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at
the City and County aforesaid, with force and arms, feloniously did possess a certain instrument and
weapon of the kind commonly known as *a slung shot*
by him then and there concealed, and furtively carried on his person, with intent then and there
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,
against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.